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A Journal of Politics and the Arts – January 22, 1972, 50 cents

How Clean Is Clean?

The Editors on Water Pollution

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Shooting at Henry – *John Osborne*
War Powers – *Alexander M. Bickel*
The Old Decency – *Reed Whittemore*
Populist Rumblings – *Peter Barnes*

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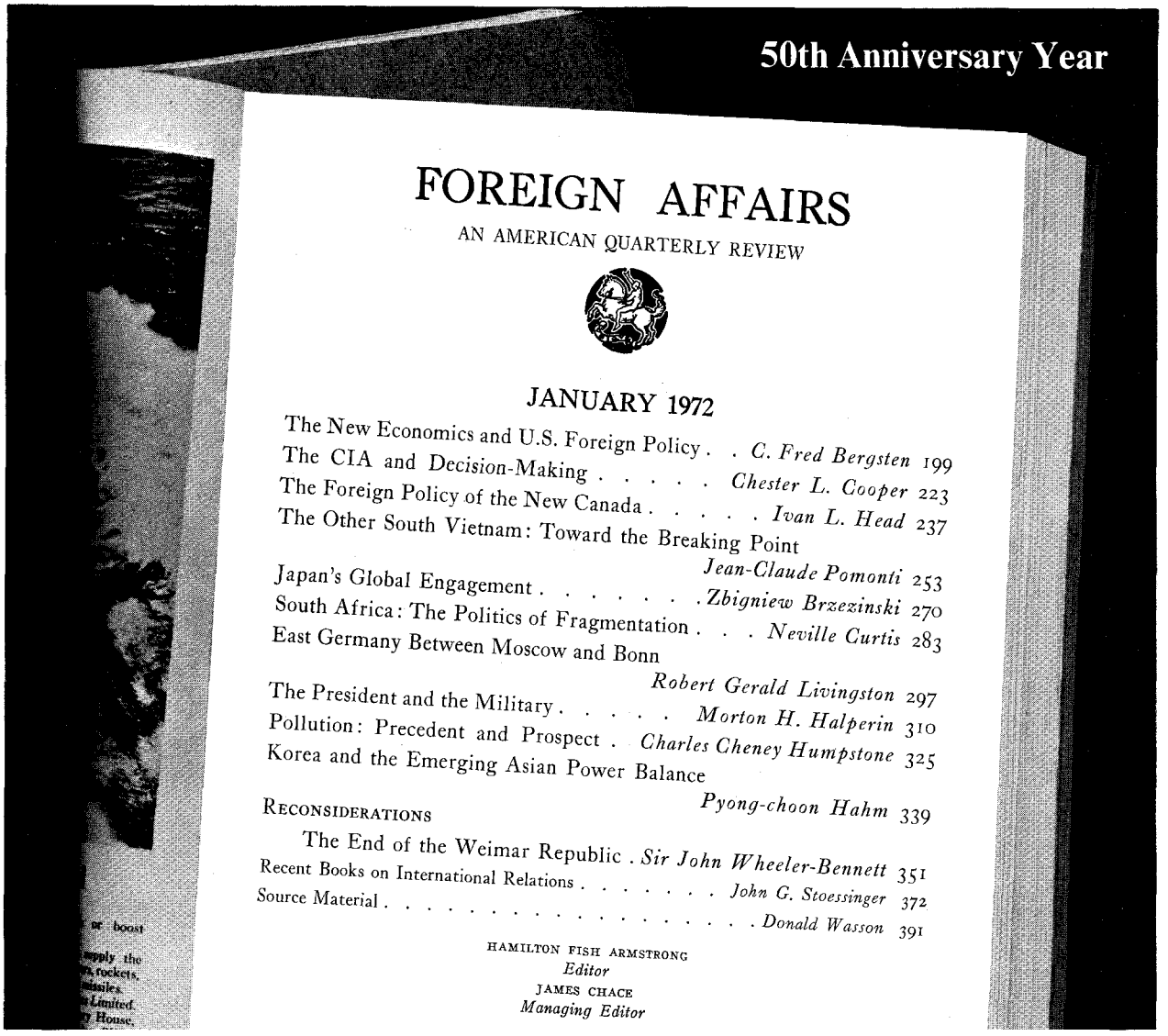
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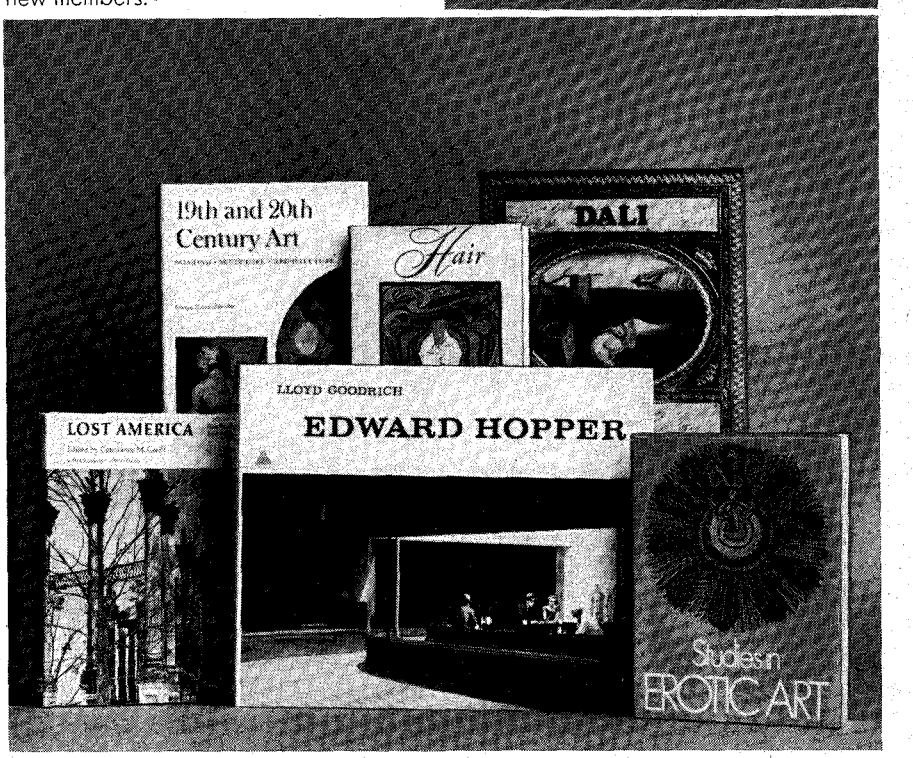

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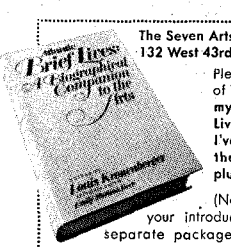

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TRB

from Washington ®

Faith, Hope and Taxes

It's State of the Union time again and that pink glow you see over the Capitol dome next week will be presidential rhetoric. Last year he gave us "a basic income floor under every family with children in this Nation," and the New American Revolution ("a revolution as profound, as far-reaching, as exciting, as that first revolution almost 200 years ago"). It will be hard to top that! He also called the welfare system "a monstrous, consuming outrage." Well, it's still there, still an outrage. Mr. Nixon is going to come back to the welfare thing again, if he can get a few minutes after his trip to Peking. Meanwhile he's still tinkering with the prosperity machine and his quick-fix economics. "The lift of a driving dream" hasn't got off the ground.

Is there anybody but TRB who feels, well, a little bit queasy about this sort of thing? We know one who does, James MacGregor Burns, the Pulitzer Prize historian who, in his new book *Uncommon Sense*, makes as powerful an indictment of the political system as we have read in modern times. He shares the feeling so many of us have here in Washington that the structure of our government itself is at fault; that in this eternal trading and brokerage there is a "crisis of public authority"; in short, God help us, if it weren't Mr. Nixon it would be somebody else. Congress? "Congress remains an essentially eighteenth century institution well suited to the family and neighborhood politics of the Whig era in Britain." Politics? "The American party system has hardly changed in over a century except to become more splintered, less collective, more personalized."

The dismal thought is, as historian Burns says in his arresting first sentence, that at the start of the 1970s, "most Americans had lost faith in their political system." We say, soberly and reluctantly, that he may be right. Some of Burns' alternatives are impractical and some, we think, are downright naive, but in the indictment we concur. He attacks the greatest problem of America in modern times, the constriction of government; the despair and disillusion of thoughtful people over the apparent incapacity to solve our problems under an antiquated system, booby-trapped with vetoes, potholed with special interests and frustrated with self-limiting divisions of power.

Take the current election; it has gone on for a year, it will continue for most of the present year. What a waste of time; Canada has an election in six weeks.

Take foreign policy. What a picture columnist Jack Anderson gives us of the White House in the Pakistan-India War, the secret and invisible President like a Grand Emir transmitting orders through his Vizier, Henry Kissinger, to the top hush-hush White House action group whom Kissinger admonishes like a coach dressing down his team in the locker room after a bad first half; a team that includes the head of CIA and the chairman of the Joint Chiefs of Staff.

Why can't America make its great decisions under collectivized leadership of some sort; why has it come into the power of one man, without congressional assent, to launch the so-called "incursion" into Cambodia, or to decide that he will aid Pakistan and alienate India – an extremely dubious policy (quite apart from moral considerations) since it pushes India into the arms of Moscow and may give Russia naval bases on the vital oil sea-routes?

Or take the profound social problem of poverty in a nation where one man in nine is black and one man in 11 is below the officially designated poverty line. This is social dynamite and Joe Pechman, president of the American Finance Association, in his inaugural address, has just come through with some new figures on income disparity. He divides the families in America into "quintiles" (fifths to you and me). Each fifth has the same number of families. Here's how the pie of American income is divided: the lowest fifth gets 3.2 percent; the second ($3000 to $6000) – 10.5 percent; the middle ($6000 to $8600) – 17 percent; the fourth ($8600 to $12,000) – 24 percent; and the top fifth ($12,000 and over) a whopping 46 percent. Oh, that lucky top fifth, the quality quintile! They get 15 times as much as the bottom fifth.

There's also the lucky top one percent of American families, Pechman reports, who have incomes of $33,000 or over. They get 6.8 percent of the total pie.

Figures like these have been the commonplace of economists for years, although I have rarely seen a lay audience that wasn't doubtful and startled by them. What is new, though, is the failing of the American dream; the dream that the gap between rich and poor was getting smaller. It isn't.

The dream existed in 1952. "We had brought about a virtually automatic redistribution of income from the well-to-do to the less well-to-do," boasted social historian Frederick Lewis Allen *(The Big Change)*. The gap did narrow for a while, when the income tax equalized matters. But today the tax is like a sieve, and Congress has been gradually cutting other taxes with the loss of approximately $50 billion revenue a year. Mr. Nixon will have to deal with that, one way or another, when he gives Congress his budget message this month.

The poor people don't pay income taxes; they pay local sales taxes, and social security, and invisible items like higher rent because of property taxes. These are "regressive." Veteran Leon Keyserling, chairman of Mr. Truman's Council of Economic Advisers, in a new study *(Wages, Prices and Profits,* Conference on Economic Progress, Washington, DC; $1), says that total state, local and federal taxes take about $254 billion a year, or 31 percent of America's total income. The poorest people pay 50 percent of their income, he says, in taxes, mostly invisible; middle classes pay around 30 percent and, at the top, ($50,000 or over) there's a jump to 45 percent. Representative Reuss says that at least 112 Americans earning $200,000 to $1 million paid no taxes at all last year.

We know things are wrong but we can't seem to make government correct them. "We have failed," says Professor Burns, "because we have tried to deal with deeply entrenched, interlocked sets of national problems through sporadic, piecemeal action."

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How Clean Is Clean?

Russell Train, chairman of the President's Council on Environmental Quality, gently but firmly took us to task last week (see Correspondence) for a comment on pending water pollution control legislation, which the administration opposes. Mr. Train noted that "honest differences of opinion on the best approach [cannot] be simply characterized as pro- or anti-water pollution control." We agree. Congress and the administration are not disputing the best technical methods of purifying the nation's rivers, lakes and streams, but how clean the waterways can and should be, how much money should be spent, and how best to police the polluters. The one fact that nearly everyone accepts is that the nation's water has never been worse. How bad the government can't say – it has never made a national study – but there are clues: Lake Erie, which once nourished one of the world's largest freshwater fishing industries, is virtually dead. The Cuyahoga River in Ohio, a major industrial area, is so polluted with oils that it burst into flames in 1969. Thirty percent of the nation's tap water contains quantities of chemicals exceeding Public Health Service standards, according to a 1970 HEW report. If we translate the effects of water pollution into economic costs, says government economist Edwin Johnson, they would reach almost $13 billion annually.

Last November, the Senate voted 86-0 for a bill, subsequently approved in weaker form by the House Public Works Committee, which aimed at eliminating industrial and municipal discharges into our waters by 1985. To this end, all industries would be required to apply the "best practicable" pollution controls by 1976, and the "best available" by 1981. The administration accepted the program up to 1976, but rejected the final goal of zero-discharge. Mr. Train and Paul McCracken, recently retired as chairman of the Council of Economic Advisers, told the House committee that the Senate-approved schedule would put a massive burden on the economy. Mr. Train did not say that "angry industries would do nothing rather than comply," but he did warn the House Committee that industries might shut down or move to foreign countries, that more inflation would result, that "public acceptance for environmental programs" might be lost, and that if the government tried to move too far, too fast "water quality in many cases may suffer."

Under anti-pollution programs initiated in 1965, and which this ad-

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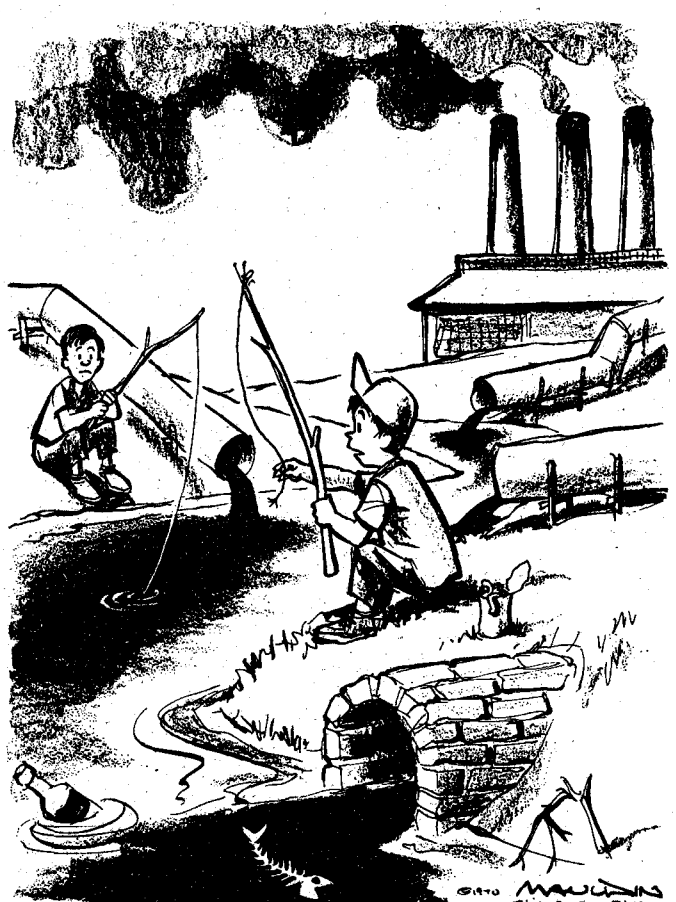
ministration wants to expand, the states decide how they want to use their rivers and lakes, establish "water quality standards" and then regulate individual industrial and municipal discharges to keep pollution at an "acceptable" level. But acceptable to whom? Mr. Train argues that it doesn't make sense to spend billions cleaning up every waterway as much as possible; some aren't worth the cost. That is a commonsensical approach, but it begs the question of how much is enough, and where. Mr. Train told the House committee the administration "strongly" endorses "water quality that will permit swimming and other high quality uses" by 1981, where "feasible and appropriate." It would not, he added, be "feasible and appropriate" in areas which are "heavily congested with industry." But that's where the worst pollution is. Such areas include the Detroit, Ohio, Delaware, Buffalo and lower Mississippi Rivers, Lake Erie and southern Lake Michigan, and the New York and nearby New Jersey coastal areas, among others. Beaches in Cleveland have already closed; so have half the beaches in New York. "More should be closed," says Murray Stein, enforcement director at the Environmental Protection Agency.

The congressional bills don't assume that everything can be done at once. They give the federal Environmental Protection Agency discretion to modify its demands on industries, if the agency thinks that social and economic costs outweigh benefits. Most environmentalists agree that not all discharges will be halted by 1985, but they insist that the Senate and House committee bills provide solid goals and timetables.



"My hook dissolved."

Mr. Train makes the point that the congressional programs would "divert an inordinate amount of resources" from other national priorities. The House version authorizes $20 billion over the next four years, the Senate $14 billion. The administration says $6 billion for the next three years is tops. The argument is about preferences, not immutable truths. A $76-billion defense budget, for example, is a choice, not an inescapable necessity. Two weeks ago, President Nixon gave NASA the go-ahead to build a space shuttle that will cost at least $5.5 billion and possibly $1 billion more. Of course, there are jobs in a space shuttle, but as Senator Mondale commented, there are "more sensible ways to create new jobs than by an enormous federal boondoggle." In fact, an unpublished top-level government study, which McCracken directed, showed that if the nation waged a $100-billion, five-year effort against all pollution, the gross national product would dip by only 0.5 to 0.7 percent each year between now and 1976, that prices in 11 major industries would rise less than 0.5 percent annually, and that the burgeoning service industry alone would offset jobs lost when companies that can't meet anti-pollution costs close.

What about enforcement? Under pending congressional legislation, industries would be permitted by the states to dump strictly controlled amounts of waste, while they work toward the goal of zero-discharge. The Senate would additionally give the Environmental Protection Agency power to veto any state permits that EPA judges are too lenient, and to order industries to halt their discharges. The record of state enforcement to date supports the wisdom of that provision. Since 1956, according to Murray Stein, the federal government has called to account 4000 industries and cities it deemed major polluters, and "almost all of them had state permits." The 1965 water pollution law required states to write water quality standards by 1967. Only 40 have complied, and not all of them meet minimum federal standards. That is the record that makes Congress skeptical of relying very much on state action.

William Ruckelshaus, the EPA administrator, thinks the federal-state controversy should be compromised, and the House Public Works Committee has agreed. Under his compromise, EPA could not review or veto *individual* permits, but it could revoke a state's entire authority to issue any permits at all, should the EPA administrator decide the state has been too soft on polluters. This is a form of overkill; it is not likely to work; it is too draconian. The government would seldom, if ever, knock out a state pollution program altogether, and the states would end up having more or less free rein.

Mr. Train is a conservationist who believes this ad-

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ministration has demonstrated a "strong commitment" to cleaning the waterways. He cites legislation the President submitted to Congress almost two years ago, and again in modified form in February 1971. The earlier proposal, which Congress never considered, would have prohibited the EPA administrator from taking any action against a polluter for at least six months after giving notice; the polluter, meanwhile, could continue his dirty work. Last February's proposal, which was stronger, contained numerous clauses such as "taking into account the practicability of compliance," which environmentalists held would sabotage enforcement. It would have allowed the EPA to notify a state when it found an industry violating the anti-pollution law, but not to issue immediate abatement orders on its own. It would have forbidden the imposition of penalties so long as the government was convinced the states were taking "appropriate" steps "to secure compliance sometime in the future." The bill provided no final deadlines by which polluters would have to meet new standards issued by the states.

In December 1970, Mr. Nixon revived an 1899 Refuse Act provision that mandates industries to obtain government permits before dumping gook into navigable waters. It was a bold and welcome stroke. But "the permit program is a two-edged sword," as EPA's Stein observes: "If the permits are too lenient, it can be a license to pollute." EPA promised a year ago to set national guidelines for limiting wastes in 21 industrial categories, but has not. EPA estimates that 44,000 industries ought to have applied for permits by last July, but only about half have done so. These industries account for most of the major polluters, as Mr. Train says. Yet only "about 10" permits have actually ever been issued, according to John Whitescarver of EPA's permit division. Anyway, the entire permit program may now be dead, since a District court judge ruled last month that EPA must file a detailed environmental impact statement before it can issue a permit. The sheer work involved is crippling. The government is appealing the decision; meanwhile, EPA will hold up the rest of the permits.

Mr. Train points out that the administration initiated criminal actions in the first 11 months of fiscal 1971 against 159 industries for dumping without permits – a record number – and that "most resulted in convictions and fines." With what results? Martin Green, director of the Justice Department's water pollution division, says that criminal actions under the Refuse Act don't stop water pollution: "We prosecute a company for dumping without a permit; they come to court and plead guilty and that's it. In nine cases out of ten those industries are still polluting." Last month, the Anaconda Corp. was fined $200,000 (a record) for polluting the Hudson River, but Green says "most fines have been running about a thousand bucks."

The government does get results by seeking civil injunctions against industries. That way, Justice can negotiate consent decrees, which spell out precisely what the company can and cannot dump. Justice has filed 81 suits since March, 1970; 52 of them are still pending. But EPA policymakers don't like to take industries to court except as a last resort; chief counsel John Quarles says EPA makes progress in ways that "don't antagonize industries."

Some version of the Senate and House committee bills is expected to pass this year. Environmentalists hope there will be some toughening amendments. For instance, pending proposals concentrate the bulk of government grants on building secondary municipal waste treatment plants. "Secondary" defines a treatment which filters out 55-90 percent of organic wastes. But secondary treatment doesn't touch dangerous industrial inorganic wastes like acids, and poisonous metals, which outweigh domestic wastes by four to one in municipal sewers. These wastes break down municipal sewage systems by killing bacteria that treat organic wastes. Far more research is needed into other types of pollution control, perhaps recycling wastes or returning them to the land as nutrients or as land fill.

New-Fangled Convention

The Democratic Party's Commission on Party Structure and Delegate Selection, chaired first by Sen. George McGovern and now by Rep. Donald Fraser (Minn.), mandated that each state's delegation to the 1972 convention must include women, blacks and young people in reasonable proportion to their numbers in the population. The Republican impetus to reform has been less pronounced – they won in 1968, after all, with things as they are. Nevertheless, the GOP has its "DO Committee" (Delegates and Organization), which is urging state parties to bring more representative delegations to the convention.

In all but Alaska, Hawaii, Nevada and Wyoming, women make up a majority of the eligible electorate, but half a century after their enfranchisement in 1920, they have been unable to establish a serious presence within either party. Of 108 state and territorial Democratic and Republican parties, only two are now chaired by women. Neither party has ever had a woman as national chairman, treasurer or legal counsel. At the 1968 GOP convention in Miami, three delegations had no women, none had a female chairman, and women numbered only 17 percent of the total delegates. The Democrats were worse with 13 percent, but one woman served as a delegation chairman in Chicago – Rep. Edith Green of Oregon. It is not unusual to find three-to-four times as many female nonvoting alternates as voting delegates on a state delegation.

Notwithstanding exhortations for youth to work

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within the system and rhetoric about the need for new blood, the 1968 conventions were geriatric. The participation of hundreds of thousands of young people in the Democratic presidential sweepstakes of that year remains one of the luminous spots in a decade darkened by political cynicism, but young people found delegate status to the Democratic convention beyond their grasp. In Chicago, 16 delegations had no voting members under 30; another 13 had only one delegate from that age group. In eight states, the average age of the delegation was over 50. Only one percent of the Republican delegates in Miami were under 30. In 42 states, there was no voting delegate under 30, and in 8 others one such member.

The most reliable estimates indicate that in the past three presidential elections, 85 percent or more of the voting blacks were Democratic. With some variation for turnout, this means that blacks account for about 20 percent of the total popular vote for the national Democratic ticket. Yet at the 1964 Democratic convention they were two percent of those present, and in 1968, 5.5 percent. Similarly, only 5 of 110 members of the Democratic National Committee are black, and only one state Democratic party has a black chairman (Dr. Aaron Henry of the Mississippi Loyal Democrats). If blacks are traditionally underrepresented in the Democratic party where their loyalties lie, they predictably number fewer in the upper reaches of the GOP. Less than two percent of the votes at the 1968 Republican national convention were cast by the 26 black delegates, though twice that number attended as nonvoting alternates. In 36 state delegations there were no voting blacks. There are no black members of the Republican National Committee and no state Republican party has ever had a black chairman.

Moreover, national convention delegates tend to be drawn from the upper-income levels of the population. A 1964 study undertaken for the Citizens' Research Foundation showed that the median income of Democratic delegates was more than $18,000; for the Republicans, over $20,000 – and this at a time when the national median income was under $6000. A follow-up study in 1968 showed no change in the pattern, and both Democratic party reform commissions sought to eliminate fees and assessments, which have been barriers to effective participation by lower-income groups. Neither party has solved the problem of how to spread and meet the costs of campaigning, and delegate expenses alone often exceed $500. Richard Durham, Democratic state chairman from Puerto Rico, describing how that territory selects its national convention delegation, says: "We just take whoever can afford to go."

The National Women's Political Caucus has pressed Democratic Chairman Lawrence O'Brien for a clarification of the commitment to "reasonable" representation, and he has conceded that the rules mean 50 percent for women, and where a delegation does not have the required proportion, the state party will have to justify the disparity. If the same stipulation applies to young people and blacks, their presence will be vastly inflated over 1968. Nationwide, about 27 percent of the eligible electorate falls within the age range of 18-30 years.

Black leaders are not satisfied with the population standard, and they will have an unusual opportunity to bargain for increased representation: statistics produced by the Joint Center for Political Studies indicate that 53 percent of the eligible black electorate is concentrated in 11 large metropolitan states, with electoral votes that are crucial to the Democrats' chances for victory in 1972.

Decades of underrepresentation have meant low involvement in party affairs by all three groups. Attendance rates at precinct caucuses must be raised sharply to justify representation at the levels mandated by the national party. The best defense for a challenged delegation with only 30 percent females would be that women comprised only 30 percent of the turnout to precinct meetings.

Three political caucuses (black, youth, and women), hastily assembled and with Washington offices, are working in both parties to raise the participation levels of their constituencies in the presidential nominating process. The caucuses got an initial boost from political philanthropist Stewart Mott, heir to a General Motors fortune, who has brought the caucuses and the Center for Political Reform into an umbrella fund-raising organization called "People's Politics." Mott put up $100,000 of his own money to get things rolling, then ran a two-page, $18,000 ad in the Sunday *New York Times* inviting the public to contribute to the effort.

COMING: a report by Paul R. Wieck on how Hubert Humphrey hopes to win

For Whom Bell Tolls

The Bell Telephone system, with more than $40 billion in assets and revenues of $17 billion in 1971 is the world's largest private corporation, a monopoly, shielded from competition by state and federal laws.

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For several years the Federal Communications Commission has been investigating AT&T's rate structure. That investigation was to be divided into two parts. In Phase I the commission was to determine a fair and reasonable rate of return on AT&T's interstate operations. (AT&T wants 9.5 percent; it is now allowed about 8.2 percent.) In Phase II the commission was to explore the costs and expenditures that AT&T lumps together to form its "rate base" – the figure to which the rate of return is then applied. The Bell system's profits – and the rates charged to telephone customers – are a function of both the rate of return and the rate base. AT&T can just as easily increase profits by inflating its rate base as by winning a higher rate of return. Regulation requires that a watchful eye be kept on both.

Just before New Year's the FCC voted, two members dissenting, to dismiss Phase II, citing insufficient funds and personnel. The decision laid bare what Bell officials strive to conceal – that AT&T is not an effectively regulated monopoly, but an empire that is simply too vast, complex and politically influential to be reined in by a handful of public officials, even when they have adequate funds. Justice Department lawyers during the Truman administration investigated the telephone monopoly and concluded that Western Electric, AT&T's wholly owned manufacturing and purchasing subsidiary, should be divorced from the mother company. They initiated an antitrust suit, which Herbert Brownell, the Republican attorney general who soon took over, settled amicably out of court. The California Public Utilities Commission under Governor Edmund Brown once made a stab at reducing telephone rates. Now all five commissioners are Reagan-appointed Republicans, and Pacific Telephone just won its largest rate boost ever. If the federal government and the largest state can't effectively regulate AT&T, it's hard to expect the smaller states to do so, either.

Perhaps the most objectionable feature of the telephone monopoly is AT&T's ownership of Western Electric, a relationship the FCC would have explored had its investigation continued. Western Electric is America's tenth largest industrial corporation (sales totaled $6 billion in 1970) and a leading defense contractor. AT&T, along with its 21 operating subsidiaries, buys equipment exclusively from Western Electric, without competitive bidding. Western Electric also performs other services for Bell system companies: purchasing agent, installer, servicing contractor and disposer of used equipment. Since its guaranteed customer is the world's sturdiest monopoly, its profits are virtually risk-free.

Unlike other parts of the Bell empire, Western Electric is unregulated by either federal or state agencies. Lately its return on equity has been running around 11 percent. AT&T shifts as much business as possible to Western Electric, which hurts the telephone customer in several ways: he is charged for equipment at noncompetitive prices; he underwrites a profit rate that is higher than his telephone company is allowed by law; he pays again when Western Electric's noncompetitive prices and higher profits are absorbed into his phone company's rate base, thus boosting his phone bill for years to come. Now that the FCC has put aside Phase II of its investigation, no one will know exactly how much this cozy arrangement costs consumers, though the sum must certainly be considerable: the California Public Utilities Commission during the Brown era estimated that California phone users alone were overcharged $340 million during 1916-1961 because of Western Electric's unregulated profits.

Senator Fred Harris of Oklahoma will introduce legislation next week to give the FCC the resources to answer these and other questions. The basic federal objective, however, ought not to be a simple calculation of the extent to which AT&T squeezes undue profits out of its captive market, but to end its power to do so. Without introducing competition into the telephone industry, there is no way that government can regulate effectively. Western Electric in particular ought to be divided into several competing manufacturing firms. In addition, at least one AT&T operating subsidiary ought to be spun off and reorganized as a cooperative. Under present arrangements it is the *raison d'être* of AT&T to enrich shareholders at the expense of customers. In several rural areas, by contrast, where telephone companies are cooperatively owned, the customers *are* the shareholders, and no one benefits from inflated rates.

Space Shuttle

"Robust activity in the aerospace industry is healthy for everyone," Mr. Nixon said on January 5, and prescribed a heavy new dose of space spending. The National Aeronautics and Space Administration has been instructed to proceed "at once" with a long-studied project, costing between $5.5 and $6.5 billion and lasting six years, to build a "space shuttle." A massive federal expenditure of this kind is bound to stimulate the economy; it's estimated that 200,000 people have lost their jobs since the NASA moonshot program slowed down, and that 50,000 may be reemployed under the shuttle plan. But some congressmen are asking why the big push is coming in aerospace rather than in mass transit that can shuttle people from home to work, or environmental research, or education.

Within the multimillion dollar dimensions of aerospace budgets, the shuttle project is slightly less extravagant than former ones. Essentially it was designed to give nonastronauts a chance to travel in space and make it possible to recover and reuse equipment. As a

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NASA spokesman put it, flying in the shuttle would be like flying in a jet plane, but "not as plushy." NASA claims the shuttle will be more maneuverable than earlier spacecraft, allowing scientists to approach satellites in orbit, examine them and bring them back to earth if necessary. Perhaps it will be used to intercept Russian satellites too, but NASA says that's up to the military.

Senator William Proxmire (D., Wis.), chairman of the Joint Economic Committee, wrote last year to the man then directing NASA, George Low, asking what the US could expect to gain from developing the shuttle. The reply mentioned two reasons for going ahead: it would save costs, and it was the next logical step to take if the country is going to have any space program. The contention that money can be saved by spending $6.5 billion is the kind of appropriations logic that outsiders have trouble understanding. NASA argues that because the rocket booster and spacecraft will be reusable, total expenditure on "delivery systems" will be reduced by about one-eighth. Senator Walter Mondale (D, Miss.) printed in the *Congressional Record* last year a study made for the air force by the Rand Corporation that predicted the government would have to spend $141 billion transporting scientific cargo over 13 years before it could realize any "saving" on the shuttle.

Scientists who believe the US should abandon manned spaceflight had hoped that with the ending of the Apollo program a more sober judgment of space research would take hold. One MIT professor estimated that NASA could have brought back the same scientific data from the moon at one-tenth the cost if it had used unmanned equipment rather than Aldrin, Armstrong, Collins and the sophisticated equipment their trip required. If that ratio holds true for the shuttle project, it would mean the government could spend $5.85 billion less than now planned and still bring home the data. But with 200,000 space engineers and technicians out of work, it will be awkward for any congressman or presidential candidate to oppose something that will give the space industry a shot in the arm. The AFL-CIO expressed its displeasure with Democrats who voted down the SST and tried to block the Lockheed loan, and would take a dim view of defeat for the shuttle. Congress has begun the slow process of signing itself up for an extended commitment; last year it authorized $100 million to get the shuttle started and it's on the verge of final approval. Senators Mondale and Proxmire will fight it, but others haven't taken a stand. Sen. Muskie (D, Me.), for example, offered lukewarm opposition two weeks ago when he said, "I think it has merit, but I don't think it has priority, given the other pressures on our resources." It will take more firmness than this to alter the administration's plans and reverse the appropriations machinery already moving forward on the shuttle program.

Talking Back to TV

Americans watch over six hours of television each day, on an average, according to Nielsen, and about 100 minutes of that is commercials – 30-second packages of the most expensive, carefully designed selling on the market. They provide a corporate soapbox, and heretofore there has been no public right to reply. The Federal Trade Commission would change that: it wants television and radio to give prime time to groups and individuals who would challenge commercial advertising claims. Total ad expenditures in 1970 totaled $7 billion, almost half going for television alone. Ten corporations accounted for almost a quarter of the total. Clearly, said FTC in a brief submitted to the Federal Communications Commission, advertisers wield "enormous power to affect consumer welfare" – and it's "a one way street."

"Counteradvertising," the FTC thinks, falls under the Fairness Doctrine, a vague regulation requiring broadcasters to air both sides of a "controversial issue of public importance." Traditionally, the doctrine has been applied only to political controversies. The major exception was cigarette advertising, which the FCC five years ago decided raised important and debatable health issues. Since then, the commission has said that cigarette ads are "unique." But perhaps they are not. Last August, the District Court of Appeals ruled that automobile and gasoline ads also raise important public questions about air pollution.

What ads are controversial? The FTC suggests, as a start, any that claim their products are good for ecology, ads which encourage bad eating habits or plug products that might pollute. Then there are unsupported claims – six out of seven dogs prefer dog-food X – or ads that are "silent about negative aspects" of products – such as brand-name drugs that do what lesser known drugs do, at twice the cost. The FTC has hundreds of ad deception cases on file; counteradvertising might cut down abuses in less time and with less money.

Now it's the FCC's baby. Who, if anyone, should get the right to counteradvertise and for how many minutes; can they challenge individual products or only categories of products; will regular time be allotted or will counteradvertisers have to apply case by case? The FTC suggests that broadcasters could set aside regular five-minute blocks of prime time for counteradvertising "directed at broad general issues raised by all advertising." The National Citizens Committee for Broadcasting would like networks to sell air time on a first come, first served basis, as well as give it away. Now broadcasters can pick and choose their advertisers. ABC wants more of this; it told the FCC flatly it will not sell counteradvertisements, because commercials "are not an appropriate format for the treatment of controversial issues."

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Test in the West

Arizona's "mini-primary" on Jan. 29 will give us important indicators on several points – the depth of Sen. Edmund S. Muskie's grass-roots strength, just how workable reform rules can be and whether the 1972 strategy of the AFL-CIO is viable.

In 1968, Arizona's delegation was named by essentially three people and it supported both Humphrey and the majority plank on "the war." However, State Chairman Herbert Ely has instituted broad reforms in the selection process. On Jan. 29, polls will open for several hours in the afternoon in all 30 legislative districts for rank-and-file Democrats to choose the delegates to a state convention, which in turn will name the delegation. Cumulative voting will be allowed. Thus, a group of students or chicanos or women can get behind one or a small group of candidates and give them all their votes.

The front-runner is Sen. Muskie, who has the active support of Arizona's most popular Democrat, Rep. Morris K. Udall (D) of Tucson. Udall has moved several key staff members to the state to help round up votes for Muskie and hopes to pick up a clear majority for his man. To Udall, Muskie looks ideal for Arizona, which hasn't supported a Democratic presidential nominee since Truman carried the state in 1948. Udall is bolstered by a bevy of other party leaders, including ex-Gov. Sam Goddard. A big selling point is a poll taken nearly a year ago showing Muskie leading Nixon by one point. A lot has happened since, but Udall & Co. insist it shows a winning potential regardless of what a poll would show today. Chairman Ely is "neutral" but leaning to Lindsay.

Rep. Udall and, in turn, Muskie are in sharp conflict with the AFL-CIO strategy for 1972. A directive from the 8th floor (Meany's suite) at the AFL-CIO building in Washington calls for electing "uncommitted" delegates wherever possible, with a private preference for Sen. Henry M. Jackson (D,Wash.) first and Sen. Hubert Humphrey second. Arizona is being used as a test case with Darwin Aycock, the AFL-CIO's COPE director in the state, putting together an "uncommitted" slate with a little help on the side from the Jackson people. It's caused some bitterness. In December, Rep. Udall called Al Barkan, the national COPE director, to tell him he was forcing a confrontation. Barkan knew it and went ahead.

Also in the running is Sen. McGovern, whose campaign is being handled by John O'Hearn, a former state chairman. McGovern's hopes may lie with the students and, possibly, chicanos in their attempts to use cumulative voting to get themselves represented.

Labor in Ohio

The Humphrey people had their shins skinned in Ohio the week prior to Humphrey's announcement of candidacy at a press conference in Philadelphia. The battleground was the executive committee of the Ohio AFL-CIO. AFL-CIO State Chairman Frank King, who's frequently been at odds with Gov. John J. Gilligan, pushed for an endorsement of HHH. If he'd gotten it, labor money could have been spent in Humphrey's primary effort against a Muskie slate being put together by Gilligan; the political apparatus of Ohio's COPE could have been used. However, King ran up against powerful Muskie sentiment in the persons of Ed Fire, head of the state's largest IUE local; Frank Lesaganich, Youngstown area director for the United Steelworkers; and Joe Sedivy, secretary-treasurer of the state Building Trades Council. Barkan, who attended the meeting, saw the situation and tried to talk King out of going after a Humphrey endorsement. Although he lost a key battle within his own executive committee, King has since announced he himself will run as a Humphrey delegate. He will work with Morton Neipp of Toledo, former Democratic state chairman, to assemble a Humphrey slate.

Meanwhile, Gilligan told labor leaders backing Muskie at a private meeting in his office that he doesn't object to one-fourth of his slate coming out of union ranks but warned they'll have to go through the district slate-making process. Given the new reform rules, which, if carried out, will mean 70 percent of the delegates will be women, young people (under 30) or minorities, that may be difficult. It leaves 30 percent, a figure that will vary from area to area, for white males over 30, which is what most union leaders are.

Humphrey Gains

Though Humphrey lost a battle in Ohio, he appears to be making up for it in Pennsylvania. His announcement drew ex-Mayor James Tate of Philadelphia, the man who helped Mayor Frank Rizzo to power; Anthony Cortigene, a key Garment Workers official; Edward F. Toohey, head of COPE in Philadelphia; ex-Gov. George Leader; Jerry Lawrence, a Philadelphia public relations man and only son of the late Gov. David L. Lawrence; plus large numbers of county chairmen throughout Pennsylvania and southern New Jersey and a host of legislators. John R. Torquato, county chairman in Cambria County for the last 30 years and a Humphrey backer, put it this way: "Hum-

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phrey's got all the union leaders in the state except in a couple counties with a big Polish vote. Muskie can't hold up. He's had everything to himself before; he doesn't any more."

Sen. Bayh doubtless didn't have it in mind when he was in the running, but it's beginning to look as if his was a holding operation for Humphrey. When the Humphrey plane departed from Washington, DC for Philadelphia there was the big announcement: three key Bayh supporters were aboard – Mayor David Kennedy of Miami; State Sen. Merv Dymally, who represents the Watts area of California and is one of the most powerful men in the state legislature; and State Rep. June Franklin of Des Moines, a one-time member of ADA's national board and a key black leader in the Midwest. So was Lt. Gov. Henry Howell of Virginia, elected as an independent last fall.

Illinois Twosome

Sources in McGovern's campaign office say their man deliberately ducked the Illinois primary, giving McCarthy a one-to-one against Muskie in the third primary of the season. Why? Because they thought it would cost McGovern at least $750,000 to make a good showing in a popularity contest that falls just two weeks before the Wisconsin primary, a crucial one for McGovern. They thus gave McCarthy the opening he'd been waiting for – sole claim to a strong emotional issue (his refusal to sign the state's anti-Communist oath), and the drama of a return battle with Mayor Daley. A good showing in Illinois could keep McCarthy afloat until California, where the field may be trimmed and his chances of winning against a couple of centrist candidates would be good. Then comes New York. The troops working for "Clean Gene" aren't as numerous or as impassioned as they were in '68, but they're there.

Yarborough Rerun

Ex-Senator Ralph Yarborough's backers in Texas were sharply split in their advice to him before he decided to make another race for the Senate. A poll taken by organized labor showed him edging out Senator John Tower (R, Tex.) and Yarborough's labor backers urged him to go for that office. Apart from labor, Yarborough's supporters generally urged him to make the race for governor, even though the polls showed him trailing Lt. Gov. Ben Barnes badly. Their rationale: it's been 32 years since Gov. Jimmy Allred, the last "progressive" to hold sway in Austin, left office. With corruption a major issue in Texas this year, progressives in the counties felt that this was their chance and Yarborough should take on Barnes. He decided to go along with labor.

Busting the Highway Lobby

One of the greatest success stories of power politics is that of the "highway lobby" – the collection of auto, oil, paving and other related interests that has persuaded the federal government to part with $60 billion for the largest single public works program in history: the 42,500-mile interstate highway system. But there are signs of cracks in this concrete, monolithic lobby. An organized citizen resistance movement has emerged under the leadership of environmentalists who are veterans of the supersonic transport battle. There is also rising disenchantment with the highway program on Capitol Hill. And there have been some drop-outs from the lobby by major industries. The combined pressures could lead to a busting of the highway trust fund itself, with more of the money being spent for bus and rapid rail systems. A test of the movement's success will come in this session of Congress for the highway and federal urban transit programs come up for regular congressional review, and hearings will be held on several mass transit bills.

Leading the counter-highway lobby is the Highway Action Coalition (HAC) supported mainly by the Sierra Club and Environmental Action but having the endorsement of other conservation groups.

The benefits of the highway program budgeted at $5.7 billion a year, are obvious: fast, cheap and efficient movement of goods and people. The federal highway administrator, Frank Turner, also contends the system has promoted safety, but the environmentalists challenge this, as well as the current overemphasis on freeway construction. The key issue is transportation balance. "At long last Americans are becoming aware of a new version of 'crime in the streets': the carnage on our highways, the pollution of our cities, the destruction of our parks and the disruption of our neighborhoods. I refer to the distorted governmental preference for the automobile in American life and the dominance of highway building within federal transportation policy," says Theodore Kheel, former labor mediator, who now devotes much of his time to mass transit causes and is an adviser to the Highway Action Coalition. The best way to balance the system, the environmentalists believe, is to balance the books of the highway trust fund, which was set up to use specific revenues (gas, tire rubber and other taxes) for the benefit of highway users, diverting more of its money to non-highway purposes.

Some federal funds have been channeled into mass transit programs since 1962, but not until 1970 did Congress grant an amount proportionate to need: $3.1 billion over five years. Prior to that, the federal mass transit budget averaged less than $100 million annually. In fiscal 1971 and 1972 the Urban Mass Transit

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Administration's spending level averaged $500 million yearly, though Congress had approved an average of $750 million. In fiscal 1973, however, UMTA spending is expected to hit the $1-billion mark. If that does not satisfy the critics, it is because highways have had such a head start. An increase in mass transit funding, they say, should be accompanied by a decrease in highway funding, and the best way to accomplish that, according to HAC's co-director, John Kramer, is to use highway funds for "any valid ground transportation."

The Highway Action Coalition has already had one victory over the highwaymen. It beat down the "liquor for highways" provision that has been tacked onto the administration's economic stabilization tax bill. That provision would have taken about $350 million in revenue generated by federal excise taxes on liquor and put it in the highway account. It was dropped by the Senate-House Conference Committee. Working out of the Washington offices of Environmental Action, HAC is providing general and legal information to citizen groups, which now number about 500. A well designed newsletter, *The Concrete Opposition*, will carry a detailed analysis of the administration's transportation needs study, due this spring.

The highway lobby is alert to the new opposition, and it can still muster considerable strength. It includes not only auto and oil interests, but those in the construction, trucking and motorcoach businesses. Every congressman and senator is well aware of its power, if only because he is reminded of it every now and then by the American Association of State Highway officials, which tells him that 15 percent of the US labor force is engaged one way or another in highway transportation. The lobby also makes use of campaign contributions. It has an efficient public relations operation. For instance, the Highway Users Federation for Safety and Mobility circulate canned editorials, as well as a bulletin called "Editor's Resource." The Road Information Program (TRIP) has scheduled a spot radio campaign (13 weeks, 19,000 messages) designed to sell a post-interstate program.

Nevertheless, the lobby has been weakened by defections from within. Mobil Oil and Gulf Oil have come out for a balanced transportation system. In Massachusetts, a Gulf executive endorsed allowing state highway funds to be used for mass transit. Two weeks ago, Henry Ford II announced, somewhat cautiously, that he favors using federal highway funds for public transportation.

The whole idea of trust-fund financing has long been opposed by public-finance experts. They dislike the earmarking of certain taxes, such as that on gas, for specific uses, *i.e.*, roadbuilding. Growth in revenue they point out, leads to unchecked spending; projects are dreamed up to utilize the funds that are rolling in. Simply taking trust-fund money and applying it to purposes other than roadbuilding does not take care of that criticism, for it leaves the basic trust mechanism intact. There is also the question whether highway-minded people should make the spending decisions on mass transit projects financed out of highway funds. And finally, there is the problem of determining an equitable matching-fund formula: under current programs, states pay only 10 percent of highway costs, but they pay from one-third to one-half of the mass transit projects that are funded jointly with federal agencies. How should these differing formulas be equalized in distributing highway money for non-highway purposes?

What is needed is a plan to equalize not only the amounts of money available, but also the federal formula for spending it. This could be done by gradually returning trust-fund tax revenues to the Treasury. With no special earmarking provisions, all transportation needs could then be determined on merit, not simply because ready funds are available.

John K. Higgins

MR. HIGGINS *is a journalist in Washington, DC, who specializes in transportation problems.*

The Nixon Watch

Shooting at Henry

The worst possible judge of the need for secrecy in government and of the ethics of officials who break the rules of secrecy is a working reporter such as myself. I do what I can to penetrate the official fog and I'd welcome a lot more collaboration in that endeavor than I get at the Nixon White House. It is with diffidence, therefore, that I state at the outset of this note on a recent breach of government secrecy that in my opinion the official who must have been responsible for the breach is a rat who should be dug out of his hole and fired.

The occasion for this observation is the theft from classified government files of documents that were given to columnist Jack Anderson in early December and have been publicized by him in fragments and in text since then. "Theft" is the proper word, although the responsible official looted his own files and gave facsimiles to Anderson. Jack Anderson inherited the "Washington Merry-Go-Round" newspaper column when its founder and his employer, Drew Pearson, died in 1969. Pearson was and Anderson is a master seeker and purveyor of secrets. Conducted as it is in the Anderson column, the traffic in secrets is a business that makes the columnist the instrument of sources who may be trying to use him for the noblest

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or the most vicious ends. My infrequent reading of "Merry-Go-Round" indicates to me that Anderson does his best to conduct it in a decent way. He appears to be more careful than Pearson was to deny the column and its outlets in some 700 newspapers to self-servers and back-stabbers. It is believable that Anderson believed, as he says he did, that the initial source of the documents in question made them available because he was convinced that the Nixon policy toward India and Pakistan was disastrously mistaken and ought to be exposed and discredited. It is also believable that Jack Anderson was had. The difficulty with the explanation that he says he accepted is that the policy was already known and discredited. Another columnist, Joseph Kraft, presented a more credible explanation of the original act of disclosure when he wrote that "most of the evidence suggests that the true cause is a vulgar bureaucratic row aimed at getting the President's chief assistant for national security affairs, Henry Kissinger."

Only five of the many documents that Anderson says he garnered in his December haul and later are alluded to here. Four of them are official and verbatim accounts of meetings of the Washington Special Action Group, the action arm of the National Security Council, on December 3, 4 and 6. The fifth document is the paraphrased text of a cable that former Republican Senator Kenneth Keating, the US ambassador in New Delhi, sent the State Department on December 8. I deduce from Anderson's cautious account of how he obtained the documents that the WSAG texts came from a single source who first offered him a dozen or so classified items and subsequently, under pressure from the columnist, let him take his pick from "a whole massive file of documents." Anderson says that the stuff came from "plural" sources and implies that their rank is such that public identification of them would embarrass the Nixon administration. The nature and variety of the documents on which Anderson has drawn in successive columns indicate that this is true of the total haul. The WSAG texts are special. Their content suggests to me, as it did to Joe Kraft, that the official who gave them to Anderson was shooting at Henry Kissinger and only incidentally, if at all, at the Indo-Pakistan and perhaps other policies with which Kissinger is associated. It is this official whom I take to be a high-ranking rat.

Kissinger brought the publication of three of the four WSAG texts, and extensive printed quotations from the fourth, upon himself with his remark that previous references to him in Anderson columns were "out of context." Anderson, angered, gave the texts to *The Washington Post*, *The New York Times* and several other newspapers in order to prove that his Kissinger references were accurate understatements. The texts are fascinating documents. They illumine a part of the Nixon-Kissinger policy operation as it has never before been exposed. But it is important to distinguish between the parts of the policy process that the WSAG texts do and do not illumine. They do not, as one commentator thought they did, show how "the decisional process" actually works. The Special Action Group deals with policy after it has been laid down. Kissinger's job when he functions as WSAG chairman is to see that the military services, State, Defense, CIA and other agencies involved in foreign policy understand exactly what the President has decided and implement the decided policy exactly as he wants it to be implemented. The Anderson texts show that Kissinger performs this task with a certitude, an arrogance, a display of proxied presidential authority that smothers any tendency toward dissent that there may be in the WSAG forum. A reader may gather from the published texts that Kissinger dominates subordinate NSC bodies where preliminary policy options are discussed in the same way with the same effect. But the WSAG texts do not prove that this is the case. They make it difficult but not impossible to believe, as I have been told at the White House and elsewhere for three years, that Kissinger in these formative sessions and in the course of directing preliminary policy studies for the NSC and for the President not only welcomes but demands a variety of views and passes them to the President without distortion or dilution.

The texts show beyond doubt what no intelligent reader of an adequate newspaper could have doubted by the time Anderson's columns appeared and the Anderson texts were published. Nobody had to be told by then that the Nixon policy of supporting Pakistan and opposing India in their December conflict was instituted and pursued with ferocious intensity. A widely quoted passage in one of the WSAG texts has Kissinger saying, "I am getting hell every half hour from the President that we are not being tough enough on India. He does not believe we are carrying out his wishes. He wants to tilt in favor of Pakistan. He feels everything we do comes out otherwise." It was said in Kissinger's behalf that this was just a typical piece of humorous Kissinger hyperbole. The remark was nothing of the kind: on the day Kissinger made it, Nixon's press secretary was saying in Florida that the President was in frequent touch with Kissinger by telephone, telling him what to do about convening the UN Security Council to put the heat on India. Another passage, in the report of a Defense observer at a WSAG meeting, has Kissinger replying as follows to a timid suggestion that a statement to be presented to the UN Security Council take equal note of Indian and Pakistanian bellicosity: "The President says either the bureaucracy should put out the right statement on this, or the White House will do it." Only two passages in the texts add anything to general and prior knowledge of the policy and of the biases that conditioned it. One of these passages, obscene when the President's refusal since March of 1971 to let anyone

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in the administration say a word in denunciation of the Pakistan army's atrocities in East Bengal is considered, has Kissinger wondering whether propaganda capital could be made of the plight of the threatened Bihari minority after the Indians won. The other passage, not in itself surprising, has Kissinger asking whether US arms might be slipped to West Pakistan from third countries, in violation of the belated US embargo, and suggesting that Nixon might want to go even further in defense of West Pakistan if it was invaded by India.

The leaked texts give the lie to the assertions by Kissinger and others, made in the President's behalf and at his direction, that the published impression that the US was "anti-India" was "totally inaccurate." But the administration lie was never an effective lie. Events in the subcontinent, the President's own statements, the statements and actions of Kissinger and other Nixon subordinates disproved the administration claim of "absolute neutrality" well before the WSAG texts were published. A week before they appeared, for example, a lead editorial comment adding up the evidence and consequences of Nixon bias toward the Yahya regime in Pakistan was derived from previously published reports and printed in this journal's issue of January 1-8. A quotation from Ambassador Keating's December 8 cable, all but calling the administration version a lie, appeared in *The Washington Post* on December 19. So we come back to the conclusion that somebody was shooting at Henry. Henry will survive.

John Osborne

Uncommon Cop

Chief Gain

Oakland, California

Police Chief Charles R. Gain is in the unique position of having the admiration of the black community, which a few years ago was described in a US Government report as the biggest tinder box in the nation, and a "no confidence" vote from his men who say he's running a "social welfare agency," not a police department. By secret ballot, 375 of the 719 members of the Oakland Police Officers Association demanded that Gain step down from the post he has held since Sept. 28, 1967. Only 110 members backed the chief and the rest did not vote. As tension has decreased in Oakland's black ghetto, easing the policeman's lot, unhappiness in what not long ago was an all-white police department has increased. There are now 48 black policemen in Oakland, three times as many as when Gain became chief, no slight accomplishment in a city with a long entrenched ultraconservative white element and some of the most militant blacks in the nation, including the Black Panthers, who are headquartered here. Gain has carried his recruitment appeal beyond the ghetto to predominantly black California colleges.

The tall, ramrod-straight chief views the controversy with his men as a clash between "the sanctity of the law versus law and order at any cost [which] can be the undoing of a democratic society." "The problems in policing today," he says, "are in the heterogeneous core cities, where people have different value systems, different cultural outlooks. When it comes to misdemeanors, family quarrels, drunkenness and tenant-landlord disputes, the object of the police should be to maintain the peace, not to make an arrest. If you make an arrest, you are not really solving the problem." He dismisses as "nonsense, simplistic . . . the argument that the rights of the individual are less important than the rights of society. Once you take individual right away, the rights of society will disappear too. I define this as reasonable. Some of my men say this is 'too liberal.' But if this is 'too liberal,' I ask you to consider the alternative – unleash the police?"

Of Oakland's 400,000 residents, 124,710 are black. Through most of the 1960s, the black population increased at the rate of 6000 a year. For years Oakland has been dominated by a chamber of commerce mentality, symbolized by former US Senator William F. Knowland, who exerts tremendous influence personally and through his newspaper, the *Oakland Tribune*. The mayor and the city council have been extremely partial to business interests. Thousands of core-city dwelling units have been leveled, to be replaced by acres of half-empty parking lots. The level areas of Oakland – a ten-mile-long corridor known as the flatlands – house blacks, most of the 30,000 Mexican-Americans and other minority groups (numbering approximately 20,000), while the hills or the fashionable sections house whites and a few wealthy blacks. Police logistics used to be relatively simple: one-half the city was protected from the other half.

Oakland was ready to explode when Gain became police chief. A confidential US report said communication between blacks and police had "completely broken down." Blacks called Oakland "Birmingham by the Bay," as distinguished from nearby San Francisco, called "Baghdad by the Bay." A black judge had accused Gain's predecessor (who died in office) of being "naive, stupid or insincere."

Gain had had only a high school education, but he pursued an interest in sociology through extension courses at the University of California at Berkeley. He was impressed by the findings of the Kerner and Eisenhower crime commissions ("It's pretty well documented now," he said, "what the people feel about police conduct; they feel that the police do not conduct themselves desirably"). He was disturbed about in-

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justices he had witnessed during his four years as deputy police chief. "I wouldn't begin to say all my policemen are socially aware or sensitive to the nuances of life in Oakland," he said after taking office. "My job as administrator is to educate them, to bring changes about."

This reeducation rankled veteran policemen accustomed to thinking white-makes-right. (When a black man picketed the *Oakland Tribune* for discriminatory hiring policies in 1966, he was promptly jailed.) With the help of a federal grant, Gain switched the emphasis of recruit training from law enforcement to social issues. Of the 625 hours of instruction in the training school, 150 hours – the largest single block – is now devoted to studying Oakland's racial and ethnic groups and cultural differences, including the police culture. Gain set up an experiment to reduce crime in the flatlands, but also "to befriend" the residents. The chief went into ghetto schools to say, "It's very bad when this city, which has 40 percent minorities, does not have significant numbers of blacks and other minorities on the police force." They believed him.

What has irritated "law-and-order" advocates the most was Gain's imposition of strict restraints on policemen in their dealings with citizens, particularly minority citizens, and in their use of firearms. Black militants had clamored for a civilian review board, and possibly Gain leaned toward it too, though he never came right out and said so. He said, "The police are a service-type organization, and they should always be open to criticism and change." The city council shut off debate by twice voting overwhelmingly against a review board. So Gain revamped the department's internal affairs section, which under previous chiefs had winked at complaints. He brought in policemen sympathetic to minorities, and he went into the ghetto and invited complaints against policemen, thus further annoying the mayor and of course white cops. Then he fired or suspended a number of policemen for brutality. When two drunken cops shot up the Black Panthers' headquarters in Oakland, Gain fired them the same day and signed a felony warrant against them. He also publicly apologized to the Panthers. Not long after, in testimony before the Senate Subcommittee on Internal Security, he challenged the view espoused by other police chiefs and subcommittee members that there was a national revolutionary plot to kill policemen. He called that notion "pure blindness."

In the summer of 1968, two black youths were killed by police as they were running away from different burglaries. The deaths occurred within a week and raised the temperature of flatlands' residents to the boiling point. Gain reacted by ordering his officers to refrain from firing at fleeing burglars or at car thieves, citing as authority a statement by the American Civil Liberties Union "that the taking of life by a police officer in the absence of an immediate threat to another life is a violation of constitutional rights." Many white Oaklanders demanded the chief's head, but Gain did not back down: "There is absolutely no way it can be shown that gun restrictions cause an increase in crime. But it can be shown that the citizenry is safer because of the restrictions." (In September of that year, Gain joined a guest lecturer list at Berkeley that included the Black Panthers' Eldridge Cleaver. Gain had previously condemned the Panthers as "a threat to every decent, law-abiding citizen, black and white.")

The Panthers have been on the decline in the city where they were founded, their activities limited to propaganda and providing breakfast to needy schoolchildren. The old fervor is missing. A black leader, defending Gain against his policemen, says the chief "may have prevented another Watts in this city." All 48 black policemen, organized as the Black Officers Association of Oakland, have voted full confidence in Gain. Officer Calvin Young, the president, says up to 80 percent of all police work is "socially oriented and *not* related to crimes. If an officer does not consider his work as being social, then we suggest that he has chosen the wrong endeavor."

Part of Gain's problem with his men, suggests a veteran white reporter whose beat is the Oakland Hall of Justice, is that he seldom shares his thinking with command personnel and never with the men on the beat. If a policeman is hurt on duty, Gain doesn't make the perfunctory trip to the hospital to reassure the man. Yet he has "leaned over backwards," the newsman says, "relating to blacks." Gain concedes that he is deficient in what he terms public relations, and he is making an effort now to mend fences. But he is adamant about the direction of his department: it will continue to be away from "those many segments in our society," he says, "who are prone to let the police do anything they want."

Gain has the complete backing of City Manager Jerome Keithley, who is the city's chief executive officer and appoints the police chief. All signs point to continued progress in Oakland's police-minority relations – a paradox to many residents of the San Francisco Bay Area who consider Oakland backward. The older order is passing. Two of Knowland's closest allies, State Assemblyman Don Mulford and Alameda County District Attorney J. Frank Coakley, who symbolized white intransigence to reforms, have left the scene. Knowland, however, remains. He has cemented over the large plate windows in his newspaper plant, in case of an attack, and his editorials repeatedly remind the police that their job is "to protect us from those who would prey upon us."

Norman Melnick

MR. MELNICK *is a reporter for the* San Francisco Examiner.

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The Need for a War-Powers Bill

The Senate Foreign Relations Committee has unanimously approved, and the full Senate is very likely to pass, a bill "to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress." The bill is sponsored by Senators Javits, Eagleton, Spong and Stennis – a strikingly diverse group. But it has drawn the opposition of Arthur Schlesinger, Jr., in an Op-Ed article in *The New York Times*, and of George Ball before him, as probably also of the Nixon Administration – an equally diverse group.

The attempt to circumscribe the President's war-making power, which the Founding Fathers were wise enough not to make, runs the risk, says Mr. Schlesinger, of tying the hands of some future President in an unforeseen crisis.

But the Founding Fathers knew less than we do. And they knew that we would know more. That was their wisdom. Writing a Constitution, they drew broad outlines and left much to be filled in from time to time by statute and court decision. Yet as the record of their deliberations, however scant, plainly shows, they did in this instance have a fairly clear idea in mind. Congress, they thought, should have power to declare war. The President as commander-in-chief would conduct wars, and would have the emergency power of a commander of troops and head of state – but only a reactive, emergency power.

We have slid away from this original scheme. The Senate war-powers bill aims to bring us back; not by an amendment substituting specific language for the broad generalization of the Constitution – for our posterity, we should realize, will also know more than we do – but by legislation that implements the Constitution for our time, and unlike a Constitutional provision, can be easily changed to accommodate later experience.

The bill would allow the President to act, as the Constitution intended him to do, in the event of an attack or of an imminent threat of attack against the United States or the armed forces of the United States. It would allow him also to protect and evacuate Americans caught in fighting that may have erupted suddenly in a foreign country. That, in light of the experience of nearly two centuries, including 25 nuclear years, describes the sort of emergencies in which a purpose to use force automatically and take the consequences can be imputed to our people without testing that purpose in the institution that reflects and represents the people in all their diversity, namely Congress. Other circumstances that anyone can now imagine either allow time for speedy congressional action, or do not present themselves as obviously calling for the use of force on our part. In the latter case, a democracy should not use force, if for no other reason than that it cannot do so effectively. Vietnam should have taught us that much.

The unimagined and unforeseen is possible, one supposes. It always is. But if this is why the war-powers bill is unwise, then so is virtually all legislation. To argue from the unforeseeable in this instance, as Mr. Schlesinger does, is to suppose the bankruptcy of the attempt to rule by law, and the necessity of submitting ourselves to the discretionary rule of the men we elect.

A law spelling out the limits of presidential war-making power should not be necessary. Mr. Schlesinger is right to believe that we would be a whole lot better off if such a law were unnecessary, as it would be if Congress had exercised its undoubted powers in recent crisis situations, including Korea and Vietnam. A responsible Congress would have agreed to undertake the Korean action – there was time, if only a matter of days – and would have refused to allow the massive intervention in Vietnam. But Congress has stood by, until it was time either for carping or handwringing. The reason for this is that Congress has shared a general confusion about the division of war-making power between itself and the President.

When a Tonkin Gulf resolution or a Formosa resolution is put before Congress, it goes through like a dose of salts, because a substantial part of the membership is under the misapprehension that Congress is merely asked to stand patriotically beside the President, who is acting within the constitutional sphere of his own independent authority. The President for his part does not feel obliged to put his whole case before Congress, bare his mind, reveal his intentions and thus defend his proposal and persuade Congress and the country to accept it. For, after all, he is not proposing, he is merely asking Congress to stand patriotically in united ranks behind something he has authority to do anyway. There is no need for Congress to know everything, since it is not Congress that is assuming the responsibility, and there are always plausible reasons for maximum secrecy.

It is never said, and perhaps not even perceived in quite this clear-cut fashion, but there is at best a great deal of ambiguity about who has power to do what, even though under the Constitution properly understood there need not be. The upshot is that Congress does not answer responsibly even when asked to act, and certainly takes no responsible initiatives. A war-powers bill has proven necessary, therefore, because it is apparent that Congress must declare its own responsibilities to itself and assume them in principle before the country, if it is ever to exercise them in particular situations.

Mr. Schlesinger complains, in effect, that restoring a proper share of power and responsibility to Congress in matters of war and peace will not ensure wise

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action. Congress, says Mr. Schlesinger, would not have allowed FDR to shoot at German submarines and raiders in the Atlantic in 1941, which may be true. Congress might also have plunged into Vietnam, all gung-ho, in 1965, which, true or false, is not a conclusion that can be drawn from passage of the Tonkin Gulf resolution.

Mr. Schlesinger's complaint is reasonable, but it is a counsel of despair. There is no assurance of wisdom in Congress, and no such assurance in the presidency, on domestic problems or foreign. The only assurance there is lies in process, in the duty to explain, justify and persuade, to define the national interest by evoking it, and thus to act by consent. Congress will sometimes fail to give its consent to wisdom and hold out for foolishness. At such times, the President, who is differently constituted, has enormous leverage as a persuader, and great power as a brake. Singly, either the President or Congress can fall into bad errors, of commission or omission. So they can together, too, but that is somewhat less likely, and in any event, together they are all we've got. In emergencies requiring instant action, or for purposes of command decisions, the President alone is all we've got, as the war-powers bill fully recognizes, but that is true only in emergencies.

Alexander M. Bickel

Populist Rumblings

by Peter Barnes

We meet in the midst of a nation brought to the verge of moral, political and material ruin . . . . The people are demoralized . . . . The newspapers are largely subsidized, public opinion silenced . . . homes covered with mortgages, labor impoverished, and the land concentrating in the hands of the capitalists . . . . The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few, unprecedented in the history of mankind . . . "

Populist Party platform, 1892

In 1896 William Jennings Bryan, the "prairie avenger," ran off with the Democratic and Populist nominations and came reasonably close to getting elected President. Sixteen years later, Woodrow Wilson made it to the White House as a proponent of the New Freedom for small entrepreneurs to compete economically and for the common man to participate politically. From 1890 until our entrance into World War I, American politics was infused with the spirit of reform. During the early years agrarian discontent was channeled through, though not confined to, the People's, or Populist Party, but after 1900, as the farm economy improved, the locus of reform shifted to the cities where a moralistic middle class took umbrage at political bossism and the public-be-damned attitude of big business. The blending of rural populism and urban progressivism resulted in a legislation curbing business abuses (the Sherman, Elkins, Hepburn, Clayton and Federal Trade Commission Acts, the Pure Food and Drug Act, the Meat Inspection Act, the first conservation measures and anti-monopoly land laws, legislation shortening the work day and limiting child labor) and a more open political system (the initiative, recall and referendum, the direct primary, popular election of senators).

Is there now a resurgence of populist and progressive energies? Senators Harold Hughes and Fred Harris heard enough rumblings in the hinterlands to contemplate populist-style campaigns for the presidency. Craig Barnes, director of the Common Cause project in Colorado, sees resurgence "in the mountains and heartland of America." So does John Stencel, the

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29-year-old president of the Rocky Mountain Farmers Union. Others such as Ralph Nader detect the possibility of a coming-together of the "victimized" – family farmers and small businessmen, consumers, blacks, chicanos, some segments of labor and young people – against the common victimizer – the corporate interests.

The George Wallace and Eugene McCarthy insurgencies of 1968, with their appeals, respectively, to insecure white workers and a middle-class "constituency of conscience," were responding to an amorphous disaffection with the what-is. In Virginia last fall, a self-described populist, Henry Howell, running as an independent, was elected lieutenant governor with the support of blacks and a good portion of the Wallace-McCarthy following. In Florida, Governor Reuben Askew's proposal for a new corporate profits tax has been approved by the voters. In Mississippi, white woodcutters asked for and received the support of the NAACP in their recent strike against the Masonite Corp. In Colorado, steelworkers recently voted an eight cents per capita monthly contribution to help finance labor-farmer-consumer electoral initiatives. In the US Senate, the fight against President Nixon's pro-agribusiness Secretary of Agriculture Earl Butz brought together a 44-vote coalition of small farmers, Main Street businessmen, environmentalists and urban-minded progressives.

But these are straws in a wind that isn't blowing hard. A presidential candidate such as Hughes or Harris could have helped educate and unify disparate elements of rural and urban, middle- and working-class disaffection. Now that the presidential race has boiled down to a Keynesian Nixon and an assortment of New Dealish liberals distinguishable mainly by their views on military policy, a populist-progressive bonfire is unlikely in 1972. Such nascent populism as there is will be largely absorbed by Wallace, by Mr. Nixon with or without the help of Spiro Agnew, and by the Democrats' attack on Nixonomics.

If a new populist-progressive consciousness is to take hold later in the '70s, there will have to be new leaders and fuller definitions of issues and programs. The general outline of the new populism is discernible. Harris describes its objectives as "redistribution of wealth and power." Nicholas Johnson told the National Farmers Organization convention in Kansas City last month, "What we're talking about is the big corporations and the guys who run them on one side, and everybody else on the other side." ("On the one side," said William Jennings Bryan, "stand the corporate interests of the United States, the moneyed interests, aggregated wealth and capital, imperious, arrogant, compassionless . . . . On the other side stand an unnumbered throng, those who give to the Democratic Party a name and for whom it has assumed to speak.") Still to be delineated and popularized are issues around which broad sections of the electorate can unite, irrespective of differences in race, education and social status, and which go to the root of their powerlessness.

Nader has emphasized the need to control the behavior of large corporations and suggested revamped federal agencies and federal chartering of corporations. Senator Harris has introduced legislation to break up corporations in highly concentrated industries, so as to diminish their market, and possibly their political power, thus echoing Bryan, Brandeis and La Follette who talked of regulated competition instead of regulated monopoly. Common Cause has made a cause of campaign financing. Tax reform is becoming a lively issue nationally and in a good number of states, and Mr. Nixon is aware of it.

The potential for a coming-together of anti-corporate elements, as well as the pitfalls, were illustrated at the recent NFO convention in Kansas City. The NFO is the youngest and most militant farm organization. Its members are family farmers whose livelihood and way of life are imperiled by low farm prices and the corporate invasion of agriculture. The NFO seeks for its members the same market power possessed by the corporate middlemen who buy the farmers' goods. Only by selling collectively, the NFO argues, can farmers get a price equal to cost of production plus an allowance for labor and a reasonable profit. Almost by definition, NFO members are populists, "little guys" at the mercy of big financial institutions, transportation companies and vertically integrated conglomerates. Hard-working, individualistic, they can't understand why "the system" doesn't reward them better.

The NFO invited Nader and Nicholas Johnson to address its convention. Both urged the delegates (some 15,000, from nearly every state) to build alliances with consumers, farmworkers, students, blacks, chicanos, environmentalists and labor. The same conglomerates that underpay farmers, Nader pointed out, also overcharge the consumer and promote excessive use of chemicals that are poisoning the environment.

The delegates responded enthusiastically, and yet the NFO has not sought, and for the present probably won't seek, alliances except on such ephemeral issues as opposition to Butz. For one thing, many NFO members see themselves as entrepreneurs and old-fashioned American individualists, which leads many of them into the Republican or Wallace camps. Many don't trust those urban liberals, especially Edward Kennedy, who favor registration of firearms. They respect labor's right to bargain collectively, as the NFO itself is trying to do, but they're hopping mad at the longshoremen, whose strike has hurt farmers badly, and to a lesser degree at the United Farm Workers Organizing Committee (although some say that if they could get a higher price for their products, they'd happily pay their workers a higher wage). Fi-

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nally, the NFO leaders, while privately sympathetic to labor and other urban groups, are cautious publicly about whom they embrace, lest the Farm Bureau smear them as "radical" and thereby dissuade farmers from marketing through the NFO.

Rural, small-town America has historically oscillated between know-nothingism (often racist), and open-hearted populism in the tradition of Jackson, Norris, the Non-Partisan League and the Farmer-Labor movement. The pendulum now appears to be swinging in the latter direction, pushed by the fear that small farms and small towns are going to have to battle corporate-bureaucracy if they're to survive.

Urban liberal politics likewise may be entering a period of redefinition. New Deal liberalism, as the late Richard Hofstadter observed in *The Age of Reform*, was essentially an emergency response to an economic catastrophe. It accepted bigness in business and in labor and assumed that each would curb the abuses of the other, while big government kept watch over both. Progressivism, by contrast, was a product (after 1900) of prosperity. It rebelled against gigantic accumulations of power and wealth, against victimization of the consumer.

One heir of the New Deal tradition is Richard Nixon, whose Price Commission and Pay Board put him in the tradition of FDR. Democrats, though slightly less pro-business than Mr. Nixon, turn to the same New Deal tools to abolish poverty (a new federal agency) leaving the basic economic structure untouched. It does not often occur to them that the anxieties of the 1960s and 1970s may correspond more closely to those of the early 1900s than to those of the 1930s; or that the concentration of economic and political power in the hands of big business, labor and government – the very concentration that the New Deal accepted and encouraged – may itself have become a source of our troubles.

The original populist-progressive impulse, for all its achievement, did not of course democratize the economic or political system. Anti-trust laws were more ceremonial than binding; most of the other economic reforms were supported by, and have served the interests of, the industries they were intended to restrain. (The Federal Communications Commission, for example, has just dropped its planned investigation of the $50-billion American Telephone and Telegraph, on the grounds the FCC can't afford the study.) The political reforms – the initiative, popular election of senators, and so on – were valuable, but they antedate the time when commercial television would bring such vast power to the possessors of wealth. A new populist-progressive movement in the '70s has its work cut out for it. Business is bigger and farmers far fewer than in 1900. And if organized labor holds the key to progressive reform, the odds against it are considerable.

When Business Flees the City

Moving to the Suburbs

by Robert Cassidy

On top of all his other problems, Mayor John Lindsay learned several months ago that the New York (football) Giants were about to quit their hometown of nearly half a century for the "acres of cattails" in the New Jersey meadowlands. Owner Wellington Mara announced that he would rather switch to the Garden State than stay at Yankee Stadium, and the deal he got – including a new sports stadium – would tear at the heartstrings of any tightfisted businessman. All Lindsay could do was to sputter something about legal action to prevent the Giants from using the good name of New York for the team, which led columnist Pete Hamill to suggest that they be called the East Rutherford Midgets.

Lugubrious as it may have been at the time, in view of the mayor's presidential hopes, the loss of the Giants was an almost comic sidelight to a more serious problem: the exodus of dozens of businesses, including many of the "Fortune 500," from New York to the surrounding suburbs or other cities. And since conditions in Gotham often forecast what may happen elsewhere, America's older cities are finding that they, too, are losing some of their longtime corporate occupants to the burgeoning suburbs. The growing industrialization of the overwhelmingly white suburbs, coupled with the entrapment of minorities in the cen-

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tral cities, paints a picture with the word CRISIS splashed across it in boldface. How the business leaders will react to the consequences of their actions, especially the effects on racial and economic patterns in our urban areas and on low-income, minority-group working people in particular, may give some indication of what kind of life we can expect to live 10 or 20 years from now. In the words of D. Kenneth Patton, New York City's economic development administrator (whose sorry lot is to keep industry in the city), "If business and (suburban) communities continue in their present mindlessly selfish way, we will Los Angelesize our land, Balkanize our region's finances, and South Africanize our economy."

The trek to the suburbs has become so widespread that it is hard to keep tabs on which companies have left or are planning to leave. A partial list of just a few of the big names who have moved or plan to move all or part of their facilities out of New York to the surrounding suburbs gives an indication of the dimensions of the problem:

To Connecticut: American Can Co., Lone Star Cement Corp., Avco Corp., Bangor Punta Corp., Howmet Corp., US Tobacco Corp., Olin Corp. (chemicals division), Hooker Chemical, Chesebrough-Pond's, Inc., Technicolor, Inc., Christian Dior Perfumes Corp., General Telephone and Electronics Corp., Consolidated Oil and Stauffer Chemical.

To Westchester County: IBM, Inc., Pepsico, Inc., Dictaphone Corp., General Foods Corp., Flintkote and AMF.

And to northern New Jersey: CPC International, Union Camp and the American Division of BASF. Even the Fantus Company, the relocation firm that helped plan many of these moves, has taken up new offices in Englewood Cliffs, New Jersey (population: 5810) – along with CPC, Thomas Lipton, Scholastic Magazine and Volkswagen.

A quick trip around the country will dispel any notion that the problem is peculiar to New York. In 1970, St. Louis lost 43 companies to the suburbs. In two recent years, Boston lost about 75. In Cleveland, recent losses include the frozen foods division of Stouffer Foods, National Screw and Manufacturing, National Copper and Smelting, Fisher-Fazio-Costa (a major food chain), and the headquarters of B. F. Goodrich Chemical Co. Likewise in Detroit, from which S. S. Kresge, the retail chain, plans to move its corporate offices, along with the Michigan Automobile Club, Delta *and* Pan American Airlines and R. L. Polk, publishers, not to mention Circus World, the toy manufacturers. Things are so glum that the former mayor, Jerome Cavanaugh, sometimes refers to "Detroit's sister cities – Nagasaki and Pompeii."

In Los Angeles, the financial district is being deserted by many of the major banks, beginning with Crocker-Citizens National in 1968. Twelve-thousand jobs are threatened, certainly not glad tidings for a region feeling the pinch of space-age unemployment. Given the trend, the Wall Street of the West may someday look like another Grand Canyon – of empty office buildings.

Business is moving out for a variety of reasons. The explanation immediately after World War II was the attraction of cheap land in the suburbs, permitting single-story factories that were convenient for truck loading. In recent years, the motive is more push than pull. Executives complain about the abominable phone service in many cities, horrendous commuting conditions, rapidly rising crime. Even bomb threats are mentioned; when GT&E actually had a bomb go off in the building, the bosses lost no time in making the final decision to get the hell out. Then there are problems with the work force. Many young women seem to be avoiding the big cities, while young execs no longer consider a move to the New York office a promotion; indeed, they demand differential pay to cover the increased cost of living. There is also the desire to get away from it all, which was one of the big reasons why Xerox moved its top men from Rochester to pastoral Connecticut: the company president felt that they would get a better perspective of the whole company from the new, more isolated locale. American Can's new sprawling edifice in Greenwich, Connecticut, designed by Skidmore Owings Merrill, drew high praise from *The New York Times* architecture critic Ada Louise Huxtable, who usually reserves favorable remarks for the Parthenon and up. But the biggest appeal of the suburbs, of course, is that much of the population, housing and development is there, or headed there.

Whatever the reasons for the exodus, the consequences are often drastic, especially for lower-paid workers, women and members of minority groups. Many of these companies are relocating to suburbs that are among the most exclusionary in the nation and where clerical and blue-collar workers cannot find reasonably priced housing, or that are so distant from the cities as to be prohibitively expensive for commuting. For example, of 4200 union workers at Ford's Mahwah, New Jersey, plant, only 88 live in the town, though a survey showed that two-thirds of the respondents would move to Mahwah or nearby towns if decently priced housing were available. When Samsonite moved its 4000-man factory from south Denver to a suburb, it experienced a 120-percent turnover in laborers in a three-month period, because there was no public transportation. Stamford, Connecticut, one of the suburbs reaping many corporate relocations, has only 10 percent of its residential land zoned for lots of less than one acre, and only 2.6 percent zoned for multifamily construction. (The pattern of

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ROBERT CASSIDY *is a city planner in Arlington, Va.*

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zoning for fiscal return is widespread. Senator Ribicoff of Connecticut cites the 400-square-mile area around affluent Princeton, New Jersey, where local governments have zoned enough underdeveloped land for industry and research firms to support 1,200,000 jobs. The same towns, however, have zoned the remaining land to house only 144,000 workers.)

The New York Times of Feb. 28, 1971, reported that between 75 and 90 percent of all lower-level workers could not retain their jobs after relocation to the suburbs; at the executive level, 80-to-100 percent retention was found. (By way of example, the National Geographic Society was able to move its executive offices out of downtown Washington, but could not move its printing plant to suburban Maryland because of the housing shortage in Montgomery County. County officials now warn prospective industries about the housing crisis.)

The demographic figures illustrate the topsy-turvy nature of our urban-suburban pattern. Minorities, particularly blacks, have been concentrating in the center cities; the percentage of blacks who moved to the suburbs in the last decade increased only slightly, from 4.2 percent to 4.5. Meanwhile the jobs (especially factory jobs) have been dispersing. In the last 20 years, 80 percent of all new jobs, and most new production jobs, have been located in suburbia. The US Commission on Civil Rights found that between 1960 and 1967 60 percent of the new industrial buildings and 52 percent of the new trade facilities were built in the suburbs. The Regional Plan Association estimates that the New York metropolitan area will grow by 2.4 million jobs by 1985 – two million of them in the suburbs.

Few business leaders are prepared to deal with the problem; yet businesses *do* have a responsibility to their workers, to future workers and to the country at large. The idea that some corporation lawyer can saunter into the Podunk Town Hall and get anything his company wants without facing the social consequences of actions is passe. Cost has to be measured on a wider scale than in the past: cost to a worker who loses his job, or has to buy a car to make the commute; cost to a city that finds suburbia calling on it for more services, while its own tax base is shrinking; cost to the nation of an urban setting that couldn't be more illogically and inefficiently "planned" than if an idiot had scribbled it on a map. The public acceptance of Ralph Nader's concept that corporations must be responsible to themselves, their workers and the general public is a fact of life today. Many of our new laws are based on it – equal employment opportunity, minority contract hiring, fair housing. Companies must not be permitted to be aloof about these matters, as RCA was when it attempted to move about 1800 employees (60 percent of whom made less than $10,000) to exclusive New Canaan, Connecticut. When a complaint was filed with the federal government alleging that the move would be discriminatory because of the exclusive nature of the community to which RCA planned to move, one executive replied, "That complaint should be taken up with New Canaan officials, not with RCA." (RCA has since withdrawn its plan to relocate.)

Paul Davidoff and Neil N. Gold, directors of the Suburban Action Institute of White Plains, New York, have been drawing attention to the impact of suburban relocations. When General Telephone and Electronics announced that it would move its corporate offices to Stamford, Connecticut, Davidoff and Gold challenged the move as discriminatory. They were also instrumental in arousing opposition to the planned move of the Western Electric Company to what they called "5-acre zoned, all-white, Bedminster, New Jersey, the 'Valhalla of large lot zoning.' " Western Electric subsequently lost its pleas to have the Bedford town fathers rezone land for a new plant. And it was Davidoff and Gold who brought the discrimination complaint against RCA.

While the RCA pullback has been their biggest success, Davidoff and Gold have not been able to stem the tide. GT&E is still going ahead with its relocation, despite the housing crunch in Stamford. Western Electric is looking for land in even more rural outbacks of New Jersey. But efforts are being made in the legal arena. For example, an alliance has been forged between the United Auto Workers and the National Committee Against Discrimination in Housing to fight the restrictive zoning practices of Mahwah, New Jersey, the site of the mammoth Ford plant. The case, alleging racial discrimination in zoning practices, is on appeal to the Superior Court of New Jersey from a ruling of the state attorney general that the Division of Civil Rights had no jurisdiction in the matter. One of the key issues is whether zoning practices bar minority workers from taking advantage of new opportunities in outer suburban rings.

While a favorable decision in the Mahwah case would give the anti-snob zoning effort a tremendous boost, its effect would probably be delayed for years on appeal. A potentially more devastating bombshell rippled the legal waters on July 7, 1971, when the General Counsel's Office of the Equal Employment Opportunity Commission released a draft memorandum that, if approved by the commission, could have

To Our Subscribers

Rising editorial, production and postage costs oblige *The New Republic* to raise its subscription rate. The increase is designed, as the Price Commission noted in approving it, "to provide the opportunity to break even." As of March 1, 1972, a one-year subscription will be $15 (32 cents an issue), and for students or members of the armed forces, $10 (21 cents an issue).

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far-reaching implications for American industry. That memo states that a relocation is a *prima facie* violation of Title VII of the Civil Rights Act of 1964 if: (1) the community from which the plant is moved has a higher percentage of minority workers than the new location, or (2) the transfer is more detrimental to minority workers than others and (3) the employer fails to take measures to correct the "disparate effect." This last point is important, because it implies that the relocation had the forseeable effect of excluding minority groups from employment. The burden of proof would be on the employer, since relocation to an area with few minority residents would result in recruiting practices that favor the local labor market, and thus decrease the chance for minority group employment. "Unless an employer makes special efforts to institute a minority recruiting program," the memo states, "he will have failed in his duty of fair recruitment."

Likewise, if the ratio of minority workers who are unable to move, to those minority workers who can move is higher than a comparable ratio for white workers, the employer would be in violation.

In all cases, the employer would be required to prove business *necessity*, not just convenience. If he moves a plant to a suburb because land costs are lower, he must prove that there are no other areas available that would give minority workers better employment opportunities. Finally, the memo suggests a plan to assure a continual supply of minority labor by: (1) instituting special recruitment efforts in the nearest areas of minority residence; (2) assuring minority workers the same access to the employer's facilities that nonminorities enjoy – "If commuting expenses for minorities are high, they should be paid. If commuting is impossible, housing arrangements should be made: The employer should provide moving expenses. If necessary, he should also provide or assist in the search for housing and use legal and commercial leverage to assure housing opportunities for minorities," and (3) establishing a goal for minority employment, the same as he presumably set at the original location, based on the minority population ratio of the original community.

The procedure outlined would, if adopted by the commission, face tremendous opposition from business. The recent controversy in the Congress over a bill to give the EEOC power to issue cease and desist orders brought lobbyists out from every corner in the Capitol. *Barron's* described EEOC's acting general counsel, John de J. Pemberton, Jr. (a former ACLU executive lawyer), as a defender of "Communists and their sympathizers, Fascists [one from each column!], pornographers, draft dodgers and admitted burners of flags and draft cards."

Short of a legal breakthrough, what can be done to make businesses more responsive, particularly to the needs of minority workers? One's first thought is that they not move out of the cities, and many of them have made the decision to do just that. General Motors is expanding its international headquarters in downtown Detroit. IBM, although it has its headquarters in Westchester County, has located a major plant in the Bedford-Stuyvesant ghetto of Brooklyn. The Bohack Corporation has signed a nonlegally binding "covenant" with Operation Breadbasket, the economic arm of the Southern Christian Leadership Conference. The covenant, the twelfth that Breadbasket has signed with a New York-based firm, sets goals on such items as minority employment, dealing with black suppliers, advertising in black news media – even donations to black charitable organizations.

Corporations that *do* move should be prepared to pay the costs, including the hidden costs. CPC International, for instance, was able to hold onto most of its 800 workers when it moved to New Jersey, by helping them buy homes, get mortgage financing, or with four-percent auto loans for those who had to buy a car to commute. Few secretaries made the move, and the company now hires about two-thirds of its new employees from New Jersey. Xerox and the American Can Co. offered similar benefits, plus healthy bonuses to workers who moved. Quaker Oats wouldn't move to Danville, Illinois, until the town passed a fair housing ordinance. IBM got tough with local realtors who discriminated in housing when it located a plant in Lexington, Kentucky. Uniroyal, Inc., has entered a joint venture to build 852 units near its new headquarters in Southbury, Connecticut. And General Electric chose the new town of Columbia, Maryland, for a plant location, based on the developer's promise of mixed housing on a nondiscriminatory basis, within a balanced community.

The GE move to Columbia indicates one direction that local governments can take in this matter of corporate responsibility. Instead of letting certain lily-white areas reap all the tax benefits of new industry, while surrounding communities pick up the tab for housing and education costs incurred because workers can't get housing in the town where they work, why not share both the wealth and the burden? Models for such a scheme exist. The St. Paul-Minneapolis area, for instance, has an areawide taxing program under which *all* local jurisdictions get a proportional share of 40 percent of all new industrial and commercial development. Dayton, Ohio, has developed the now famous Miami Valley plan to allocate a "fair share" of low- and moderate-income housing to each community in the metropolitan area. Until the federal government promulgates guidelines as tough as those in the EEOC memorandum, a combination of "share the wealth" and "fair share" housing may help open up the suburbs, without imposing undue burdens on the jurisdictions, or on minority workers and their families.

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Stanley Kauffmann on films

From a Star to a Czar

The Hospital (United Artists). James Agee might have called it "intelligent trash." All along it tries to behave like a smiling savage tiger; before it's over, we see that the tiger is paper, and even the paper collapses at the finish. But there are lots of amusing tigerish antics before then.

This is one of the rare films that bills its writer big – Paddy Chayefsky. I can't call myself a close student of his work: I tuned out somewhere around *The Americanization of Emily*. If a dilettante may be permitted an opinion on the Chayefsky canon, his dialogue seems to have changed considerably since the *Marty* days. Back there he seemed to think that the whole of art was to convey the attar of underarm odor; now his writing has some flourish and verve. Rather like a latter-day Ben Hecht; not serious enough to be serious, just serious enough to be entertaining.

The basic idea – and if he had stuck to it, the film might have been a real zinger – is that American hospitals are now potential killers. They're so big and so compartmentalized that, if you want to kill a perfectly healthy man, all you have to do is feed him into an inappropriate channel of treatment and hospital care will murder him for you. But this muscular idea is flabbed up with considerable tripe and is then corseted into an ending that would have made Philco Playhouse happy.

George C. Scott plays the chief of medicine in a big New York hospital, a middle-aged man in the middle of male menopause, whose self-doubts and professional zeal make a good sardonic foil for the theme. Scott is a tornado, creating his own 3-D as he goes. An authentic actor-star. (When *auteur* critics are sorting things out, do they ever consider an actor like Scott as co-creator of a film like this one and *Patton*? How can he be overlooked? Most of what is valid in *The Hospital* comes from Scott.) Diana Riggs, the girl, is nicely cool, but her face always affects me oddly. It's insufficient. There just isn't *enough* of it.

In sum, this is the mod version of the old Hollywood-and-TV truth game: "Allow us our cop-outs and we'll give you some sham-true fun." OK.

Such Good Friends (Paramount). It would like to be intelligent trash but never quite makes it. This was adapted from Lois Gould's best seller by Esther Dale who is really Elaine May, reportedly, using a pen name because she doesn't want writing credit when she doesn't direct. That's a lulu, if true, since with his many faults, Otto Preminger can direct better than the director of *A New Leaf* without even trying. And here he tries.

The script, coincidentally, touches some of the same anti-hospital themes as *The Hospital* plus elements of *Diary of a Mad Housewife* – not as sharp as the first, just as sickeningly trendy as the second. A young Manhattan husband goes to a hospital for a quite minor operation and, in a few days, ends up dead. Meanwhile his wife has been scurrying around getting friends for blood transfusions and, while scurrying, discovers that the husband had been laying every female they both knew. This opens her eyes to Life.

Underneath all the sexual frankness and desperate chic, this is rather a quaint old-fashioned morality tale. Some of the dialogue is May, most is drear December.

Dyan Cannon, the wife, is adequate in a small facsimile way, looking and sounding something like Gloria Steinem on a TV talk show. James Coco, the fat family doctor, has the flash part and plays it in his glib, faintly swishy, skillful way. (One dreadful *shtick* they've given him – trying to get off his corset secretly while undressing to make love.) The moment when he has to announce the husband's death to the wife is the best in the whole laborious picture.

I've missed three or four recent Preminger films – not accidentally – and find that he's unchanged. Still a superficial cynic. *Such Good Friends* was designed to make us peasants feel part of the jet-set for a couple of hours without really disturbing any of our sturdy peasant beliefs.

Minnie and Moskowitz (Universal). Onward and downward. This is by far John Cassavetes' worst film, with none of the good touches of *Faces*, without even any of the pseudo inquiry of *Husbands*. Guess what the theme is. Two lonely people! Misfits! Who find each other!! Even Chayefsky gave up this facile honesty twenty years ago.

He's a Very Human car-park in New York. But not just a car-park, of course; he's really searching. He searches on out to L.A. where he meets this Very Human girl. She, too, is searching, can't communicate, is a sexual object to men who merely use her, and is battered by life but is still golden, deep down inside. (Compare this set of middle-class sentimentalities and theatrical clichés with the truth of Barbara Loden's *Wanda*, which deals with a real victim of the world's egotisms.)

Cassavetes boasts that his film is an "upper." What's chiefly wrong with it is that you know from the beginning that it was made to *be* an upper. A

(continued on page 32)

Films Worth Seeing

Desperate Characters. Best film on this list. About today's ignored subject: the liberal middle class and *their* drama. Kenneth Mars (good) and Shirley MacLaine (OK) as beleaguered husband and wife. Frank D. Gilroy wrote and directed with impressive feeling.

The French Connection. Zow. Also pow. A thrilling thriller, about drugs in Marseilles and New York. Gene Hackman heads a perfect cast, William Friedkin cracks a mean director's whip.

The Last Picture Show. Small-town Texas, 1951, and a youth's coming-of-age. The tone and intent are rather familiar, but most of the acting is good, and Peter Bogdanovich, the young director, was born to make movies.

Macbeth. Unexpectedly orthodox version by Roman Polanski. Unfulfilled because the Macbeths are slim and the text slashed, but many incidentals, like the witches, are grim and good.

Sunday Bloody Sunday. Included here because of Glenda Jackson's performance and Penelope Gilliatt's dialogue. But the script doesn't do much more than describe characters, in this London hetero-homo triangle. John Schlesinger has directed better.

SK

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How The Old Blind Decency Was Finally Led Away And Shot In The Name of Pluralism

The Etiquette of Race Relations by Bertram Doyle

(Schocken; $2.75)

The Decline of the Wasp by Peter Schrag

(Simon & Schuster; $6.95)

Among the many announced revolutions – coming, in progress, or missed – we should not forget the revolution of manners. It has occurred and we are picking up pieces. It began in what seemed like out-of-the-way corners among artists, dissident white youth, alienated blacks – but it has now reached everywhere into the nation's life, breaking up established patterns of conduct, language and dress. It has changed the way we grow up, learn, make a living, enter upon family life and in general progress through man's seven ages. It is a big thing, so big that the question of how it should have occurred without an accompanying political and economic revolution is an American mystery of the first order. No analogy can quite catch its curious limits but perhaps it is a little like spitting in the emperor's face without the emperor noticing.

I firmly believe that the emperor is finally capitalism, and I trust that the '70s will produce among radicals a devotion to disturbing the basic capitalist machinery instead of disturbing the decorum of classrooms, parlors and bedrooms; but until revolutionaries stop thinking that they can be revolutionaries while making a dollar themselves or avoiding traffic in dollars (see "The Blueing of America" in *The New Republic*, April 3, 1971) we are stuck with a strange partial revolution that has deprived us of one set of manners without giving us directions to a new set.

Deeply imbedded in the current fads is the conviction that manners are hypocritical; that we should have honest feelings and expressions rather than forms, conventional procedures, protocol – or in other words that manners can be eliminated. But this is to misunderstand manners. Man has manners whether he wants them or not; he usually has several sets of manners – for peers, parents, teachers, bartenders and so on – so that if one set of manners such as the Emily-Post set vanishes he may fall back on another. In the social sciences what I am talking about is called role-playing, but whatever one calls it man can't avoid it, and since he can't he might as well try to be benevolently mannerly, that is, mannerly in a way tending to help rather than hinder the reformation of our mixed-up society. What we have now tends to hinder. For what we have are discrete sets of manners for warring social groups, a condition that might make sense in a society highly stratified or regionally diverse, but does not make sense amidst the constant cultural leveling that dominates our society. Between children and parents, students and teachers, whites and blacks, citizens and officials, hard hats and softheads, and even male and female – not to mention WASPs and Jews, WASPs and blacks – the divisionary process seems if anything to be speeding up, and for what possible reformist reason? – the motion seems instead to be retrograde, back toward something that the gods of history must have thought they had disposed of.

Perhaps we can find an explanation by indirection, by looking at what happened to manners after the Civil War when the blacks had been officially liberated. Bertram Doyle's *Etiquette of Race Relations*, first published in 1937 and now reissued, describes how under slavery the Negro etiquette was devised by whites and was part of the white superstructure for keeping inferiors in their place, but that after the war this structure of race relationships had to be modified to meet the new "liberated" condition, a modification that took the form of substituting distance for place. This became the separate-but-equal doctrine. The equality part was mostly a figment of the laws, but it served to create and enforce distancing between the races, with the resulting anomaly, noted not only by Doyle and other historians but by many Southern novelists, that the intimacy between the races existing during slavery was seriously *diminished* by the abolition of slavery.

Doyle's book is cautious, level-headed

Room 000

After the last class in the empty room
chairs relax, each in a shadow,
and they all stand still and hear
  anti-lectures
all night long. Staccato silences
measure out the hours: "Where does
  the wind
end?" "What can the rain give?"
Standing around the absent students
those little whispers come near, nearer:
"Why is a hall? is a hall? is a hall?"

WILLIAM STAFFORD

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and turgid; it is itself an example of a kind of mannerliness we have largely lost in the last two decades. Doyle, a black, is shocked at the record of the ruler whites of the South, and his book contains much evidence against them that a less passionate scholar might dismiss or temper. But though his passions show, so does his respect for objectivity, dispassion, judiciousness, all the archaic scholarly forms. His book is a mass of footnotes; everything is annotated, buttressed; and the prose is always scholarly cool. Let me quote a passage of evidence and commentary, partly for its extreme vision of white tyranny and partly to show Doyle's *method* of damning the Southern white, which was to let somebody else do the damning for him:

> By far the most cogent statement of the southern credo, if not indeed its most extreme viewpoint, is put forth by Bailey [whose credentials are strangely slurred over by an unrooted "op. cit." in the notes. He is Thomas Pearce Bailey, listed without comment in the bibliography as the author of *Racial Orthodoxy in the South*, 1914], when he says, in fifteen conclusions: "1. Blood will tell. 2. The white race must dominate. 3. The Teutonic people stand for race purity. 4. The Negro is inferior and will remain so. 5. This is a white man's country. 6. There must be no social equality. 7. There must be no political equality. 8. In matters of civil rights and legal adjustment, give the white man as opposed to the colored man the benefit of the doubt; and under no circumstances interfere with the prestige of the white race. 9. In the educational policy let the Negro have the crumbs that fall from the white man's table. 10. Let there be such industrial education of the Negro as will fit him to serve the white man. 11. Only Southerners understand the Negro question. 12. The status of peasantry is all the Negro may hope for, if the races live together in peace. 13. Let the South settle the Negro question. 14. Let the lowest white man count for more than the highest Negro. 15. The above statements indicate the leadings of Providence."
>
> This, then, has been, and still largely is, the situation in the present period regarded from the standpoint of law and the mores of the South.

The Bailey conclusions seem to me to add up to a polemic by a disillusioned white against whites, but Doyle is undecided whether the views are Bailey's or a summary of the views of others. In any event Doyle manages to use the extreme remarks of Bailey and stay looking like a scholar himself: his is the academic decorum we are getting less and less of. Increasingly there is a denial of common ground where opposing forces may meet. The game now is to have stern absolutists shout at one another, or to give up communication entirely (the recent tomato-pelting of Humphrey at the scientists' convention in Philadelphia is an instance; and Patrick Moynihan's subsequent refusal to speak at the same convention, on the grounds that "if anybody is harassed everybody is harassed," may be the most effective way of responding). The new insolence may be a latter-day form of capitalistic individual enterprise but it is also, I would say, a latter-day form of the distancing process Doyle observed in the earlier period. We now have manners within our chosen or destined social or racial groups, but not manners to bridge the gaps between them.

Worse, we have been developing in the media what amounts to a grand strategy for *encouraging* gaps. Journalism cares less and less for manners, commercial publishing has rejected them, only the tube is still dominated by the ancient "hypocrisies" of middle-class whites. What began on the confrontation circuit a few years back is now regarded in most places as the fundamental mode of simple exposition, of teaching. Want the truth about sex? – let David Reuben or the Masters team speak. About war, politics, woman? – Mailer of course. About the presidency? – Philip Roth. About the state of race relations, the country's pulse, pollution? – turn it over to an instant journalist with a fixed and firm point of view who won't mess around being polite, fair, even well read.

Now I grant that one can slice the manners loaf many ways, and the instances I have here may seem most limiting. There are after all the manners of social life as well as those of scholarship and journalism, and the manners of the young as well as those of the old. It is mostly the manners of the young that parents think of as they meditate on a child who has not said please for six years. Yet both the Doyle book and the second volume on my agenda, by Peter Schrag, seem to me share a common view of American manners as a whole (they are WASP manners) and a common view of WASPs (they are the enemy) that has led to the currently prevailing view of what to do about manners (ditch them). The books also show us the development of the hostility toward WASPs and manners, for there is a vast difference in the manners of the Doyle book (1937) and those of the Schrag book (1972): in the former we still find embarrassment about hostility, and piety about neutrality, but in the latter we find hostility made into an expressive virtue.

Schrag is extraordinarily malicious and righteous; his work is slapstick sociology, a sort of long-winded smear of the WASP. Schrag, a Jew who says he tried to become a WASP while at Amherst but later learned "better ways of being an American," thinks he is representing ethnics of all kinds against WASPs of all kinds, WASPs being the chief aspirers, he says, to a uniform Americanism, a WASP Americanism that the ethnics are expected to kow-tow to. He adds that WASPs are partly real and partly mythical, since some of the WASP mystique, such as the John Wayne sort of thing emanating from Hollywood, has been "dominated by Jewish producers and saturated with ethnic performers" (these are "upstart Jews"). But real or unreal the WASP mystique, he insists, has dominated the country until very recently.

In the old days some of the most powerful WASPs were noted for the "cussedness and irreverence" (that is, lack of manners) Schrag himself professes to admire, persons like Everett Dirksen, John L. Lewis and Sewell Avery. Now however, the WASPs have "been crippled by their own sanity, by their passion against the unreasonable." And by their notions of decorum. "Why make a *Jewish* boy masturbate on the 109 bus or have him spread his sexual hangups over 274 pages distributed in half a million copies? *Because there is no WASP idiom in literature in which these things can be said.*" (Schrag's italics) In other words the WASP's chief legacy to the country is a set of decencies that the WASPs imposed after they had (indecently) taken control. Now, says Schrag, decency is besieged; it is taking the form of good works like ecology and John Gardner's Common Cause (which takes a tough ten-page roasting), but it isn't getting anywhere; the movement is all the other way; "the WASP is a refugee in his own country."

The liberal is also, says Schrag, mostly WASP, and now a failure. He is the one who "was often prepared to champion

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the downtrodden but only rarely able or willing to teach them to champion themselves on their own terms; he was frequently a defender of civil rights and civil liberties because he wanted people to have faith in the system, not because he wanted them to have faith in themselves." How stupid of the liberal, but perhaps he didn't believe that institutions were necessarily allergic to selves. Schrag does: "Even though he [the liberal] called himself a Jeffersonian he believed more in institutions than in people, was more a nationalist than a pluralist, more a preacher than a teacher. For each problem he tried to create a new agency, a new program, a new department. . . ." What should he have been doing? – "the genuinely radical faith is in fulfillment and prosperity without the melting pot," or in other words faith in a fulfillment to be achieved by working "to institutionalize wherever possible the social and cultural pluralism that we are now beginning to rediscover." But how does one institutionalize pluralism without institutions?

The book is very muddy on that point, but the underlying assumption seems to be that when the WASPs are disposed of, the country will have different *kinds* of institutions because the ruthless and hypocritical power boys will have been eliminated. If this is the assumption, the book is flimsy evidence of how in the non-WASP world the ruthlessness will be eliminated. Schrag's real trouble is that his book is itself a power play in the modern capitalist vein. It matches all the arrogance and self-esteem attributed to WASPs, and operates wholly within the currently indecorous and schismatic conventions for "making it": overstate the case, be sure, confront. Schrag's tone is persistently one of contempt, a steady verbal tomato-pelting of the WASP: "the New WASP: stiff upper lip, tight neck tendons, and mushrooming ulcer." "Even WASP crimes these days are usually dull. . . . We need the Mafia because WASPs are boring the country to death." "Andrew Wyeth's work almost inevitably puts the museum on canvas, which is to say that he pickles feeling safely in the formaldehyde of retrospect. This obviously appeals to museum directors and trustees, most of them still WASPs." "George Plimpton is the arch voyeur; as a Jew he might have played schlemiel in a jockstrap, but as a carrier of every form of WASP privilege . . . he can do no more than represent the man whose dreams have long turned sour." "Now the fashionable [WASPs] send their spies [Wyeth and Plimpton] over the fence because life on the inside is too empty and dull to sustain without some help from beyond." And so on, with a page of real hysteria about Agnew and his appeal to "paunchy country club Republicans with fat pinky rings."

At the end Schrag condescendingly discovers three WASPs for whom there is some hope – Mayor Lindsay who "has *begun* to understand the problem of minorities" [my italics], Ramsey Clark for testifying for the Chicago Seven and Kingman Brewster for his "willingness to *concede* that a Black Panther cannot get a fair trial in America" [my italics] – but to praise these three, even faintly, is merely to underscore the hopelessness of the rest of the breed. The whole effect is of a sort of one-man purge of the WASP. Strange pluralism.

There remains the question of whether Schrag is right about WASPs and WASPism. I find him wrong on, essentially, two counts – wrong primarily because easy polemical generalizations about big fuzzy social entities are bound to be wrong (there are times to exaggerate but not, I think, in a 250-page "examination of the central American experience"), and wrong secondly because WASPs and WASPism, even though obviously important determinants in American capitalism, have never been the whole hog, and therefore never the clear and simple villains Schrag makes them out to be. Perhaps the best way to answer Schrag on the last point would be to accept his major premise, that WASP influence has vastly declined, and then demonstrate that the chief evils attributed to WASPs, such as unequal distribution of wealth and power with its attendant

Industrial Park

All this green hedging
going on: conduits snap and buzz
underneath
and a cable just misses the goldfish
on its way to Plasticore, Inc.
Phoneline nerves sneak along roots
somewhere near the cutworms.

Pressure and voltage climb the network veins
and cascade up at the level of songbirds
into white pavilions with popsicle windows
and tea-wafer roofs. Thousands stream in
through the turnstiles five days a week
to play, unwind, brief and debrief, eat lunch
industriously in the park on spreading music and carpet.
They touch the shiny equipment.

This is miles on the right side of the tracks
where packaged freight slips in and out at night like love
in long and glistening trucks.

So now and then I circle the Capital Beltway round and round
in the blue rubber truck,
dart into those parks from the night like a spark
and drop off under the stars and trees with love
large oily gear wheels, hard maple sawdust,
trainmen's lanterns, steam lunch-whistles—
and for use on alternate days
rolls of pink tickets, striped picnic cloths,
balloons and streamers, lemonade stands.

ROD JELLEMA

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oppressions, are with us in greater earnest now than ever before. I think this could be demonstrated (it would take another book), but I don't think the demonstration would be of any use so long as confrontation is the game, and reasonableness and decorum regarded as irrelevant diversions.

I see there is a new edition of Amy Vanderbilt's etiquette book coming out in March, the essence of WASP etiquette. The mere thought of an etiquette book brings a smile in our bluejean fuck-you culture, so I doubt that it will save the day. Yet if it is the only centrist alternative to the pluralism Schrag preaches I think I'll have to campaign for it. Up with finger bowls. Hurrah for the calling card. All the old WASP hypocrisies.

Reed Whittemore

In Brief

The Beat Generation
by Bruce Cook
(Scribners; $5.95)

This biography of the basic Beat writers and history of the movement they commanded comes when the modest literary revolution they effected is almost twenty years old and the hip subculture they godfathered is already sliding over the rim of history. But the line that leads from Beat to hippie is a squiggle, not an arrow, as Jack Kerouac himself warns the author: "Maybe what separates us from them is not so much age as acid."

Cook quotes the suggestion, then ignores it. And it is a large flaw in this book that he tries to reason his way from the San Francisco Renaissance to Woodstock; he might have done better to content himself with the pleasant anecdotes that are the book's best feature.

These give *The Beat Generation* an occasional nostalgic charm, reminiscent of the *Reader's Digest's* "Life In These United States" – Ginsberg's first meeting with Kerouac when both were at Columbia; the coffeehouse reading at which "Howl" was born; the publishing history of *On The Road*. But the moments are marred by the context in which they are found, which is made up of dull prose crowned by facile judgments and superficial interviews leading to careless conclusions.

Cook is particularly vague about the social roots of Beat writing. After an interminable preamble, he posits that it arose out of "a very important and widespread something," then proceeds to oversimplify its literary coevals, ignoring many serious novelists and poets of the '50s to talk about the "domination of the arena" by the New Critics and the *Partisan Review*. He quotes Thoreau portentously to bless the Beats with the authority of the past, and William Carlos Williams correctly to link the Beats' poetry with a mainstream. None of which the best Beat writers need. Hemingway and Fitzgerald have long outlived the Lost Generation; Kerouac and Ginsberg will doubtless survive their handy tag.

Yet Cook's analysis of Kerouac's theory of "spontaneous prose" is careful, and he places the Norman Mailer of the 1950s convincingly near the Beat tradition. His chapters on Corso and the Black Mountain poets are sensible and informative, and the one on William Burroughs funny and fair.

The Kid
by John Seelye
(Viking; $4.95)

Here it is, the western of the season. The primary model is Mark Twain. John Seelye once was driven by his spooks to rewrite the whole of *Huckleberry Finn* (*The True Adventures of Huck Finn*, Northwestern University Press, 1970), and the experience has not wore off; but in this new book he has also throwed in some Zane Grey, and greased it down with up-to-date cussin. It has all the makings – a barroom, a villain, a sheriff (or the nearest thing – a one-armed Cavalry captain), a bunch of broke and drunk cowboys, a gambler called Leland Stanford, a senile judge, a deaf-and-dumb black, and The Kid. And they's all crazy, and when somebody asks *why* so many crazy coots manages to gather in one little western hole-in-the-wall, the Cavalry captain says, "There's just too much *sky*, and people swell up like frogs in a vacuum jar. There's no holding them down." That me captain has a big mad on about do-gooders like The Kid, and when The Kid proposes to save the West by growing sheep, well, he just about busts (and so does the villain), and when the black – but it's best just to stop and say the story is an allegory *too*, mebbe, about an eye for an eye and racism and what-all. Heavy, funny, good.

Dear Scott/Dear Max: The Fitzgerald-Perkins Correspondence
Edited by John Kuehl & Jackson Bryer
(Scribners; $7.95)

Scott Fitzgerald's long busy romance with the dollar is described in his famous story "How to Live on $36,000 A Year" and in dozens of other places; we think of him buying cars, renting houses, ordering liquor, gifts, flowers, maids, doctors with a true wastrel's abandon, setting new records in this form of the American Way. But in the letters between Fitzgerald and Max Perkins, his 20-year editor at Scribners, we see the other side, the wastrel as entrepreneur, businessman and self-promoter, as well as debtor. Very few letters fail to deal with money and sales. The formula: Scott asked and Max provided.

Scribners made a lot of money by Fitzgerald, and could afford to give him big advances; yet he was always ahead of the advances, apologizing, asking for more. A characteristic Fitzgerald paragraph: "We're moving to Capri. We hate home. I'm behind financially and have to write three short stories [on which he was making as much as $3000 each]. Then I try another play, and by June, I hope, begin my new novel."

Only occasionally does the literary part of the literary life get discussed with other than perfunctory obeissances to nice plots and lovely characters. Perkins has long been regarded as one of the great editors – and what he did to transform Thomas Wolfe's scribblings into novel is, in the mythology, equal to

"WE NOTE, in a brief news item about a diamond-bearing meteorite, that there exists something called The Smithsonian Center for Short-Lived Phenomena. Now will the Center please stop piddling around with meteorites and get busy on John Kerry, Paul McCloskey, Fred Harris, Charles Goodell, the Midi, mercury poisoning, Anguilla, the Fort Hood Three, China's low profile and everybody's attention span?"

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what Pound did for *The Waste Land* – and yet with Fitzgerald the editor function seems to have been largely that of a reliable, monied, not-nosey, always encouraging, not-too-close friend.

There are passages of interest about Ring Lardner, Hemingway, Edmund Wilson and others. Occasionally in describing friends and enemies Fitzgerald will display fullness of anger, envy, admiration, but for the most part he is only full of business. Such is the case at least until things go downhill in earnest for him; then some of the flavor of *The Crack Up* creeps in: "I am *his* [Hemingway's] alcoholic just like Ring is mine." There was plaintiveness near the end (1938): "I have come to feel somewhat neglected. Isn't my reputation being allowed to slip away?" He then proposed an omnibook with three of his old books in it, and new material. Perkins was kindly, sympathetic, but distant, pointing out that it was a Modern Library project and that the Modern Library had rejected it, but not offering, as Fitzgerald had hoped, to have Scribners do it. Fitzgerald's stories were selling by then for $250 rather than $3000; the romance was over.

Revenge of the Lawn: Stories 1962-1970
by Richard Brautigan

(Simon & Schuster; $1.95)

What did one out of three love-smote chicks gift her stud with, this past season? *Revenge of the Lawn*. It's the height of fashion right now, putting Brautigan right up there with Kahlil Gibran and Rod McKuen. But Brautigan's made of sterner stuff, down under. His basic mode is whimsy, about anything from childhood dreams to crippled old winos, but his laying-on is done with notable skill and control. Since he is better over short stretches than across such Niagaras as *In Watermelon Sugar* and *The Abortion;* this book, a collection of some 62 short stretches, displays him in top form. The titles alone will set an aficionado's pulse pounding: "Earnest Hemingway's Typist," "Thoreau Rubber Band," "The Post Offices of Eastern Oregon," "Women When They Put Their Clothes On in the Morning," and "Crazy Old Women Are Riding the Buses of America Today."

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Reconsideration

Thorstein Veblen

Veblen was a 42-year-old, obscure, down-at-the-heels instructor at the University of Chicago in 1899 when he wrote *The Theory of the Leisure Class.* The book shattered the calm of American economic thought and started Veblen on an extraordinary career. It was the first "dangerous" challenge to the revered doctrines of classical economics: that the self-interest of the capitalist coincides with the interests of the community; and that the competitive system provides the dynamic of economic progress. In challenging that theory, Veblen also challenged the prevailing mood of booming optimism. He turned the eye of the country to the seamy side of the system: the widespread poverty, the predatory nature of the "honorific" ruling class, and the uncertainty of the system itself.

The Theory of the Leisure Class
by Thorstein Veblen
Originally published in 1899 by Macmillan.
Now available from Augustus M. Kelley Publishers (305 Allwood Road, Clifton, N.J.), $10; and from the New American Library, $1.25.

The *Leisure Class* was the first in an uninterrupted flow that constituted, in effect, Veblen's critique of capitalism. The most important of these books were *The Theory of Business Enterprise* (1904), *The Instinct of Workmanship and The State of The Industrial Arts* (1914), *Imperial Germany and The Industrial Revolution* (1915), and *The Engineers and The Price System* (1919). On rereading Veblen, I came to understand the importance of reading *The Leisure Class* in conjunction with his later writings. They are inseparable from each other and the man.

Veblen's genius was recognized when he was a student at Carleton College by John Bates Clark, one of America's most distinguished economists. Clark also described him as a "misfit." Veblen never fit into the highly integrated, orthodox world around him; he never belonged. His parents sent him to Carleton to prepare him for the ministry. He could not have cared less. In this atmosphere of missionary zeal, Veblen scandalized his associates with a *Plea for Cannbalism.* In later life he described the Church in harsh terms as the main prop of a predatory society, and became marked as a heretic.

He received his doctorate in philosophy at Yale in 1884, earned the highest praise of its president, Dr. Noah Porter, but was denied a faculty post despite the largesse of appointments at Porter's command. It was noted that Veblen had neglected to take divinity courses at a time when philosophy was considered subordinate to theology. He was also turned down for an assistantship, on the ground that he was not "the Yale type." "This is the crowning glory," said Veblen. "It is not enough to say that I am un-Christian and un-American. But I am un-Yale!" He also understood that he had "committed a terrible offense by subjecting religious belief to scientific analysis." "I have sinned in daring to criticise the dominance of the money-men over the industrial developments of the country. I can appreciate the unwillingness of the same money-makers to give me employment in one of the seminaries of higher learning. I understand that I am uncouth and have chosen the wrong parents. . . ." We are indebted to Leonard S. Silk, one of Veblen's students, later an outstanding economist, for the real or imaginary record of Veblen's confrontation with Dr. Porter cited above. It is contained in a play, written by Silk, entitled, *Thorstein Veblen.* I read it in the New York Public Library, in the fading hours of a winter afternoon. I could not put it down. This moment in the year 1884 would surely endear Veblen to the students of today. It is the cry of the rebel, forever young.

Veblen retired to the family farm in Minnesota, where he stayed for seven despairing years. He was finally persuaded to make a new start as a Fellow at Cornell. He arrived in Ithaca, dressed in a coonskin cap and corduroy trousers. His real life had begun. Within a year he received a post at the University of Chicago, where he stayed for 14 productive and less than tranquil years, then to Stanford and the University of Missouri. He completed his academic life at the New School of Social Research in 1919 in the company of Alvin Johnson, Charles Beard and John Dewey. When asked why at 70 he wrote no more, he replied, "I am 70 years old. I have decided not to break the Sabbath. It is such a nice Sabbath." He died in 1929, just before the Great Depression he had predicted, without knowing or caring what mark he had left on American thought.

The *Leisure Class* had a remarkable impact on the academic community. Lester Ward, the eminent sociologist, wrote Veblen that "it fluttered the dovecotes of the East." William Dean Howells acclaimed the book in two reviews. It had drama as an indictment of capitalism. Veblen challenged a system extolled by the politicians, journalists and leading economists, and at a time when the economy was experiencing spectacular growth. "Captains of industry" were guiding the destiny and fortunes of the country into the "American Century," already visible on the horizon. Some concern was expressed about the gross inequality of wealth, the occurrence of periodic crises that seemed to deny the concept of automatic and inevitable progress. But in the main, support for the system and its emulative spirit pervaded all strata of society. All doubts were submerged in high praise of business enterprise, its liberal critics denounced as subversive.

I experienced an aftertaste of this mood as a graduate student at Harvard, in 1927, under an irascible professor, Charles Jesse Bullock. He opened our first lecture with a speech in praise of Herbert Hoover as the Great Engineer and the Hand of Providence. Suddenly, and with a darkening of his brows, he bellowed (like a bullock), "If any one tried to sell me *The New Republic* I would pulverize him with my cane." And he brandished it to punctuate the threat and banish from the classroom any expectation of untoward, liberal controversy. On rereading the *Leisure Class,* I was amused to find Veblen's discussion of the two-fold nature of the cane or walking stick of the gentleman as a mark of the leisure class and as a barbaric weapon.

To many the book appeared to be a

Note

Migrants, Sharecroppers, Mountaineers and *The South Goes North,* volumes 2 and 3 of *Children in Crisis* by contributing editor Robert Coles, have just been published by Atlantic-Little, Brown. Volume 1, *A Study of Courage and Fear,* was published in 1967.

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satire on the aristocracy and the philistines who emulated the rich. Veblen's main attack, however, was on the "captains of industry" and their predatory role with its origins in the age of barbarism. The forms of oppression had changed with the progress of civilization, but the aim was fundamentally the same – the seizure of wealth from those who had produced it. The new leisure class had fashioned a society that sanctioned a predatory form of acquisition and regarded it as "honorific." By contrast labor was ignoble. Habits were developed that encouraged "conspicuous consumption," "conspicuous waste" and the stultifying and irresistible impulse of all classes toward the emulation of the elite.

In the *Theory of Business Enterprise*, Veblen went a step further and described the paradox in which commodities produced by one class are destroyed and wasted by another. The primary interest of the business enterprise is profit, not production. Modern industry is "so inordinately productive that prosperity requires a conscientious withdrawal of efficiency" in order to increase profits. (His use of the term "conscientious" is a typical example of his irony.) He presented the startling picture of the capitalist, not as the driving force of the economic order, but as the "saboteur." The indictment was made palpable with his description of the captain of industry as a "toad so circumstanced [that] his comely bulk gave assurance of a pyramidal stability of principles." It is a description that evokes the famous caricatures of Art Young and William Gropper.

Thus did Veblen spark a new critical spirit in American economic thought. Its effect was to end the supremacy of classical economics, of belief in the "natural order" and the beneficence of capitalism. It challenged belief in the "inexorable" operation of "iron economic laws" and paved the way for a new, evolutionary economics, of institutions shaped by man to serve society. In this sense Veblen was the precursor of John Maynard Keynes and the ideas unfolded in the New Deal.

As a student of economics in the mid-'20s, I was vaguely aware of Veblen's part, together with Edward Bellamy and Henry George, in shaping the radicalism of my generation in the early post-war period. The term "conspicuous consumption" was a byword among us. And yet Veblen was rarely mentioned by my mentors or read by my contemporaries. There was a brief flurry of interest in Veblen during the heyday of the "technocrats," in the depression years, based on a view attributed to him that only engineers could resolve the disorder of the economy. That soon passed.

The dominant radicalism that emerged in this period was Marxism, associated primarily with the Communist Party and its center in Moscow. As a Communist for 25 years, and with a special interest in the history of economic thought, I cannot recall a single significant reference to Veblen. Diligent efforts were made to establish an historical link between Marxism and the indigenous radical movements of the past. No Veblen. In my present voyage of discovery, I learned 1) that Lewis Corey once expressed the view that the most vital parts of Veblen would fulfill itself in Marx; and 2) that the Great Soviet Encyclopedia describes Veblen as an "enemy of Marxism and a zealous defender of capitalism."

We know that Veblen had studied the writings of Marx. He summed up his opinions in two lectures delivered at Harvard in 1906. Veblen had profound respect for Marx's contributions in philosophy, history and economics. He shared with Marx a fundamental antagonism to capitalism and was as unsparing in his criticisms of this system. Both place a primary emphasis on the importance of economic factors in shaping society. Like Marx, Veblen looked to revolutionary changes; unlike Marx, he was not prepared to chart its course or serve as a crusader.

Yet he differed with Marx on essential questions. Veblen's emphasis was on the mythology of business rather than on its exploitative character. He was concerned about the poverty of the workers; he was concerned above all by the degradation of the producing class in a pecuniary society. He rejected Marx's theory of immiseration and radicalization and the accompanying theory of the proletariat as the motive force of social revolution. He did not believe that deprivation could be turned into a drive for political power. He was skeptical about the role of the workers, based on

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NOTES ON CONTRIBUTORS

GEORGE CHARNEY *is the author of* A Long Journey *(Quadrangle).* ROD JELLEMA *teaches English at the University of Maryland.* WILLIAM STAFFORD *is back teaching English at Lewis and Clark College after a year at the Library of Congress.*

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his observation in the *Leisure Class* that they are tied to the ruling class by all the intangible bonds of emulation and identification. Veblen placed his main reliance on technology as the revolutionary force in society, a technology free of business enterprise and its pecuniary motivations. Science to him was an autonomous force above ideology, an idea later elaborated by John Kenneth Galbraith in the *New Industrial State*. Veblen described scientists and engineers as the "indispensable general staff of the industrial system."

His prophetic vision lay in his understanding of science as the key to the future. The role of science is the subject of controversy in the Communist world in a way that would have intrigued Veblen. In the Soviet Union, up to recently, Marxist dogma placed science in the superstructure, not in the sphere of production itself. This separation of science from production was subsequently seen as artificial and responsible in large part for the lag in technical productivity. Under Professor Yevsei Liberman, an advocate of economic reform in the USSR, this view was changed without, however, giving the scientific community an important role in the formulation of policy.

Roger Garaudy, outstanding intellectual of French Communism for a generation and recently expelled from the Party, attempted to prove that science and technology had revolutionized the mode of production and made obsolete the concept that the old working class was the motive force in transforming society. He presented data on the role of science and concluded with the concept of a new "strategic bloc" that combines the men of science with the proletariat. This innovation in theory was overwhelmingly rejected by the French Communist Party as heresy.

Veblen, for his part, left it to future generations to resolve the contradictions between the predatory and productive aspects of the social system. In a wide ranging discussion of peace, he indicated that he saw socialism, in some form, as the basis for the survival of civilization and involving the social use of technology. Long before the atomic age and the threat of nuclear holocaust, he expressed with Norman Angell the conviction that technology made world peace imperative.

Veblen is important because of his brilliant and courageous demonstration of the role of the intellectual as critic at an important juncture in history. As Galbraith put it, "he is the indubitably indigenous figure in American economic thought." Many of his ideas on the nature of our society are still valid; in some respects, even more so than they were in his day. He had shortcomings. He underestimated the democratic force in the country and its countervailing and corrective power. Howell, in his second review of the Veblen classic, was intrigued by the dichotomy between the predatory ruling class and the institutions based on a "democracy the proudest, the most sincere, the most ardent that history has ever known." This Veblen did not perceive. Joseph Dorfman's biography informs us of a letter written by Veblen to a friend six months before his death in 1929 in which, in speaking of Soviet Russia, he says, "Just now Communism offers the best course that I can see." This, of course, was before the rise of Stalin. His blindness on the issue of democracy accounted, in some degree, for his pessimism and his one-sided view of American society.

Withal, Veblen is a man each generation should discover for itself. Unique as a critic in his time, he is also part of an enduring radical tradition in America; and of the unceasing thrust of each generation to achieve a productive and humanist society.

George Charney

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Kauffmann,

from page 24

down-beat ending would by no means be the only truthful one for the story, but from the start you know that every vicissitude in the film is designed to make the up-beat ending glow.

The camera style is Cassavetes' usual "spying," a method intended to make everything look like reality observed but that only emphasizes the presence of photography. (When will the "truthful-cinema" types learn that reality in films means working *for* the camera, not trying to pretend that it isn't there?) Cassavetes' script is analagous. It tries to sound improvised and perhaps is, in part, but its sweaty efforts to "disappear" only make it stick out – excursions, doodlings, and all.

Cassavetes' chief shortcoming is his weak sense of screen personality. He thinks, apparently, that Seymour Cassel is richly fascinating as a person. Cassel was good as the stud in *Faces*, a small defined piece of acting. Here we are figuratively asked to dwell in Cassel territory, to revel in its depth and variety – which aren't there. And I simply can't share Cassavetes' estimate of Gena Rowlands (his wife) as actress and star. So his idolatrous use of her becomes for me a matter of private life made public – one more director nuzzling his lady friend in public with his camera. Fundamentally, Cassavetes rests his picture on the intrinsic interest of his two leading performers. That false estimate, added to his off-the-shelf meretricious humanism, makes the picture doubly dull.

Nicholas and Alexandra (Columbia). I'm surprised at Sam Spiegel. He's produced some clinkers in his time, but he's also had the acumen to produce such pictures as *The African Queen*, *On the Waterfront*, *Bridge on the River Kwai*, and *Lawrence of Arabia*. I would have expected him to see that Robert K. Massie's book could not make a good film – because it has no center. History doesn't need one; a good popular film does.

The story, if reminders are needed, is about the last Czar and his wife and the large part that their son's hemophilia played in hastening the Russian revolution. Who is there to "carry" the audience in that story? Nicholas is a stubborn, sentimental fool, his wife a little less so only because she has no governmental responsibility. Rasputin, honest though he is in his diabolical way, is no protagonist. Kerensky is hamstrung. (Like Eisenstein's *October*, this film omits to say that Kerensky continued the war with Germany to save Russia from Allied attack. The Soviets made peace with Germany, and were then invaded by the Allies, including the US.) Lenin as hero? Not quite – in this script.

So what we have are a large number of events and several stories and no kind of involving drama. All we do is watch the synoptic history of two silly people getting what, as justice goes in this world, they deserved. And all we can wish for, in this three-and-a-half-hour film, is that they might get it a bit

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sooner – both in history, so that thousands of lives could have been spared, and on film, so that we could get out sooner. James Goldman, the scriptwriter, has been chided for his script and certainly this overrated writer has put some foolish lines in people's mouths, but he's not really responsible for the central gap, which he couldn't fill, which Massie didn't have to worry about, and which Spiegel should have foreseen.

Franklin Schaffner, the director, has been scolded, too, for not doing as well as with *Patton*. But where's the directable material that he has mangled? Freddie Young, a superb cinematographer, is at his best outdoors and here spends most of his time indoors. Some good actors struggle against the odds. Michael Jayston and Janet Suzman play intelligently. (Those who profess not to understand how film actors act might take another look at the scene where Jayston collapses in tears on his knees before his wife. What cameraman or editor did *that*?) Laurence Olivier and Irene Worth each have a few nicely turned scenes; Alan Webb – always a joy to see – gives depth to the old man in whose house the royal murders take place. And there's a genuinely subtle performance from Roderic Noble, the boy who plays Alexis, by turns a sick spoiled child and a visionary of doom. In the same year that we get the appealing Dominic Guard in the title role of *The Go-Between*, young Noble also arrives. Where do the English get these child actors? Actors, not cute kids.

I wish they were all in a better picture.

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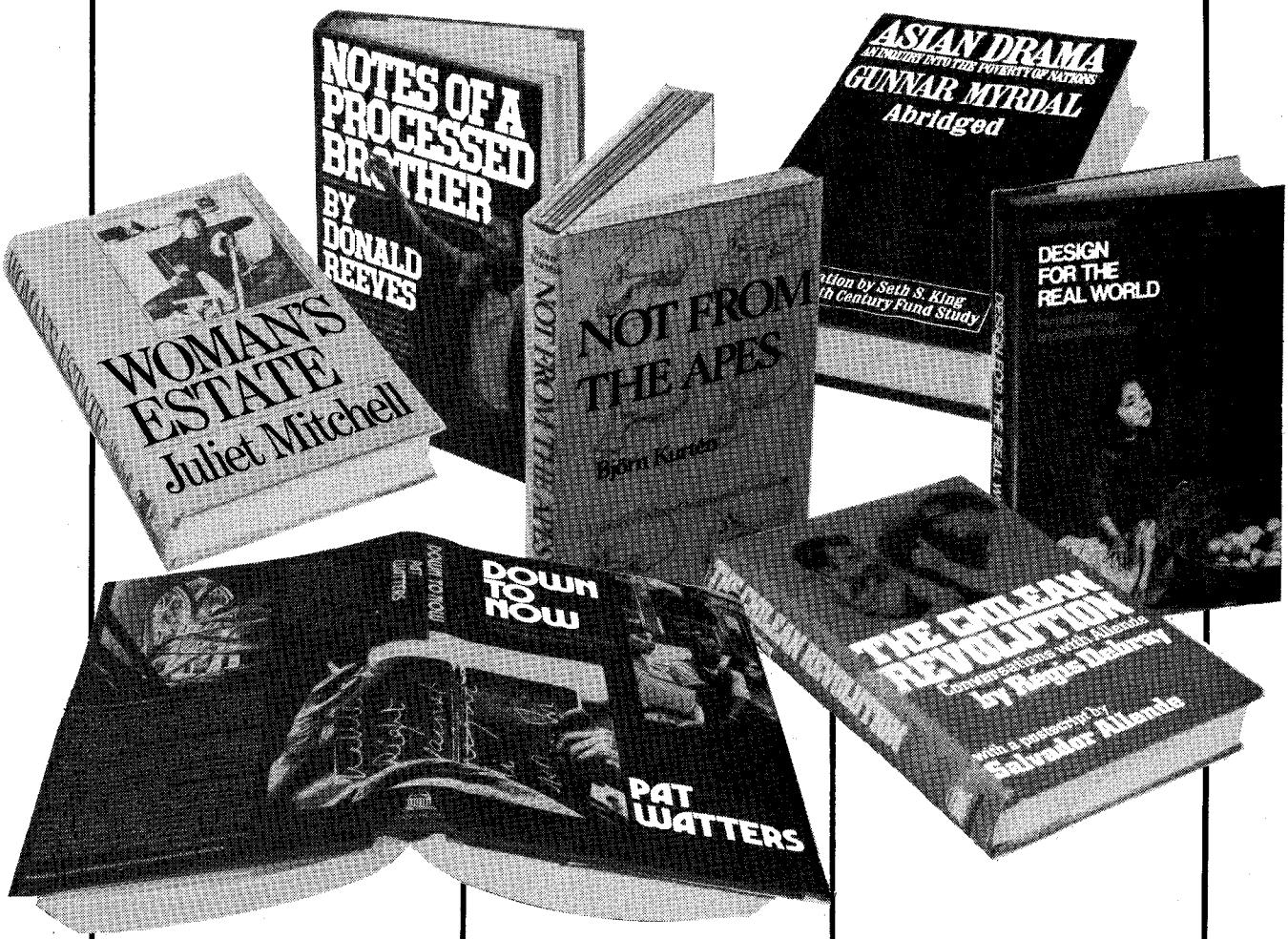

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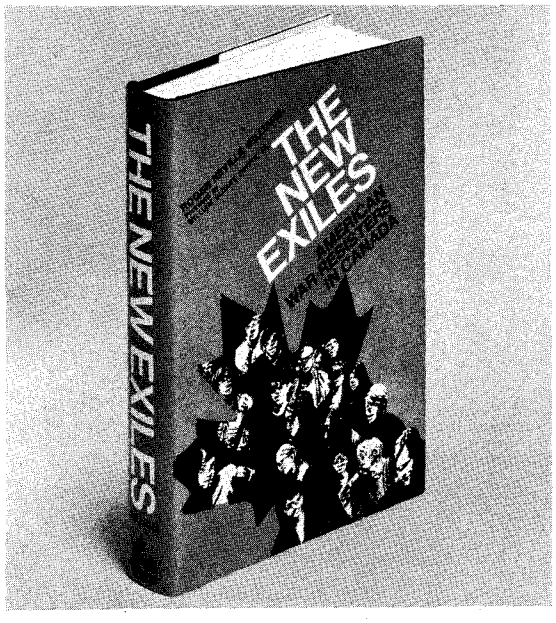

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